

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2004-0072-MLM-E TCEQ ID NOS.: RN101387579, RN102896255, AND RN103016705**

**CASE NO.: 10819**

**RESPONDENT NAME: CITY OF WOLFE CITY**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>X 1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	

<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input checked="" type="checkbox"/> <b>X MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>X PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input checked="" type="checkbox"/> <b>X WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>

**SITE WHERE VIOLATION(S) OCCURRED:** Adjacent to Oyster Creek, approximately 0.5 mile south of the City and 0.3 mile east of State Highway 34 in Hunt County (the "Facility"); approximately 0.75 mile east of the City on Farm-to-Market Road 1563, south of the Western City Reservoir in Hunt County (the "Plant"); and approximately 0.5 mile east of State Highway 11 and County Road 1563 (the Application Site")

**TYPE OF OPERATION:** Wastewater treatment facility; a surface water treatment plant; and a sludge site

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** A complaint was received on January 20, 2003, regarding odor at the wastewater treatment plant. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** One complaint has been received but the complainant has not indicated that they wish to protest this action or speak at Agenda. No one other than the ED & the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on March 17, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Robert Mosley, Litigation Division, MC 175, (817) 588-0627  
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

**TCEQ Enforcement Coordinator:** Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717

**TCEQ Regional Contact:** Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901

**Respondent:** The Honorable Bethel Henslee, Mayor, of City of Wolfe City, P.O. Box 106, Wolfe City, Texas 75496-0106

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigations:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> January 20, 2003</p> <p><b>Dates of Investigations Relating to this Case:</b>                      January 27, 2003, February 18, 2003, March 6, 2003, September 25, 2003, and June 14, 2006.</p> <p><b>Dates of NOE Relating to this Case:</b>                      March 26, 2003, April 14, 2003, May 9, 2003, November 25, 2003, and June 16, 2006</p> <p><b>Background Facts:</b>                      The Respondent went through two financial inability to pay reviews, in October 2004 and March 2005. As a result of the March 2005 financial review, Financial determined that the Respondent had enough funds to pay the assessed penalty amount as well as compliance costs. Both Enforcement and Litigation worked extensively with the Respondent to develop an acceptable SEP. The Respondent submitted unacceptable SEP proposals on September 28, 2004, June 16, 2005, and October 9, 2006. Due to the Respondent's continued desire to settle the case, Litigation continued to work with the Respondent on pursuing a SEP. The Respondent and Litigation were ultimately unsuccessful and the Respondent chose to pay the full penalty through monthly installments. After budgetary discussions with city officials, Mayor Henslee signed the Agreed Order on January 8, 2008 and submitted the first penalty payment.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>MLM</b></p> <p><b>At the Plant:</b></p> <p>1. Failed to operate the Plant under the direct supervision of a licensed water works operator who holds a class "B" or higher surface water license [30 TEX. ADMIN. CODE § 290.46(e)(6)(A)].</p>	<p><b>Total Assessed:</b> \$70,361</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid/Due to General Revenue:</b> \$2,111/\$68,250</p> <p>The Respondent has paid \$2,111 of the administrative penalty. The remaining amount of \$68,250 shall be made payable in 35 monthly payments of \$1,950 each.</p> <p><b>Site Compliance History Classification:</b>                      Wastewater Treatment Facility                      ___ High ___ Average ___ Poor                      ___ High <input checked="" type="checkbox"/> Average ___ Poor</p> <p>Surface Water Treatment Plant                      N/A</p> <p>Sludge Application Site                      ___ High ___ Average ___ Poor                      ___ High ___ Average ___ Poor</p> <p><b>Person Compliance History Classification</b>                      ___ High ___ Average ___ Poor                      ___ High <input checked="" type="checkbox"/> Average ___ Poor</p> <p><b>Major Source:</b> ___ Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b>                      September 2002</p>	<p><b>Corrective Actions Taken</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <p><u>Plant:</u></p> <ol style="list-style-type: none"> <li>1. Provided documentation on May 9, 2003 showing that the continuous turbidity and disinfectant residual monitors and automatic plant shut down alarms were repaired on April 29, 2003.</li> <li>2. Submitted a monitoring plan for the Plant that includes the locations of all sampling points on April 23, 2003.</li> <li>3. Submitted "as built" construction and engineering plans for the Plant on March 6, 2003.</li> <li>4. Submitted documentation on April 21, 2003 showing that the gas chlorine and caustic conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standard 60 certification.</li> <li>5. Submitted documentation on April 21, 2003 showing that the influent, effluent, and waste backwash and chemical feed lines were properly labeled.</li> <li>6. Submitted documentation on April 21, 2003 showing that the sludge was removed from the east sedimentation basin.</li> <li>7. Submitted documentation on May 9, 2003 showing that the weirs of the sedimentation basins were painted.</li> <li>8. Secured the East Lake raw pump station with a lock on August 5, 2003.</li> <li>9. Removed the alum bulk storage tank from the Plant and refurbished the sedimentation walls on September 3, 2003.</li> <li>10. Installed a flow meter on the emergency well pump discharge line on April 13, 2004.</li> <li>11. Submitted a new concentration time study in response to the increasing depth of the filter media and the point where the raw water is chlorinated on September 15, 2004.</li> <li>12. Began recording results of annual calibrations of the raw, backwashed, and finished water meters on October 6, 2004.</li> <li>13. Began operating the Plant under the direct supervision of a Grade "B" certified water works operator on January 31, 2005.</li> <li>14. Submitted documentation on February 21, 2005 stating that surface water monthly operating reports were being completed in accordance with the Plant's concentration time study.</li> </ol>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>2. Failed to have at least one class "C" or higher surface water operator on duty at the plant when it is in operation or equip the Plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Plant is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(6)(C)].</p> <p>3. Failed to provide a copy of a monitoring plan that includes information on the location of all sampling points in the distribution system [30 TEX. ADMIN. CODE § 290.121(b)(1)].</p> <p>4. Failed to maintain an up-to-date map of the distribution system so that all valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>5. Failed to maintain up-to-date engineering plans for the Plant [30 TEX. ADMIN. CODE § 290.46(n)(1)].</p> <p>6. Failed to maintain an adequate up-to-date operations and maintenance manual [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>7. Failed to maintain records of complaints [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iii)].</p> <p>8. Failed to complete the surface water monthly operating reports in accordance with the current concentration time study dated August 8, 1994 [30 TEX. ADMIN. CODE § 290.46(f)(3)].</p> <p>9. Failed to ensure all chemicals and any replacement or additional process media used in the treatment of water supplied by public water systems conforms to ANSI/NSF standard 60 for direct additives [TEX. ADMIN. CODE § 290.42(j)].</p> <p>10. Failed to ensure that connections meeting the definition of "high health hazards" pursuant to 30 TEX. ADMIN. CODE § 290.38(22) have properly installed backflow prevention devices, unless an adequate cross-connection control program exists [30 TEX. ADMIN. CODE § 290.44(h)].</p> <p>11. Failed to conduct customer service inspections prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>12. Failed to calibrate the raw, backwash and finished water meters at least annually [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>13. Failed to calibrate the on-line turbimeters at least once per week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].</p>		<p>15. Submitted documentation on February 21, 2005 stating that the Plant has chlorine scales, a secondary regulator, and a pre-chlorination rollameter that are in working condition.</p> <p>16. Submitted documentation on February 21, 2005 stating that the City developed a system to maintain a record of complaints.</p> <p>17. Submitted documentation on February 21, 2005 stating that an up-to-date map of the distribution system has been completed.</p> <p>18. Repaired the pump that supplies caustic from the day tank to the filtered water on January 19, 2005.</p> <p>19. Provided standby chlorine feeders on January 19, 2005.</p> <p>20. Submitted documentation on February 21, 2005 stating that the leaking flush valve located within the emergency well area was in a watertight condition.</p> <p>21. Submitted documentation on February 21, 2005 stating that a new rate-of-flow controller had been installed.</p> <p>22. Submitted documentation on February 21, 2005 stating that an operational sample tap was provided for each filter.</p> <p>23. By September 2006, commenced completing customer service inspection certificates.</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <p><u>Facility:</u></p> <p>1. Submitted documentation on January 28, 2003 showing that the City installed a new breaker on the lift station to prevent future unauthorized discharges.</p> <p>2. Submitted written notification on January 28, 2003 of the unauthorized discharges that occurred on January 4, 2003 and January 27, 2003.</p> <p>3. Submitted documentation on February 6, 2003 showing that the Spencer lift station was properly secured.</p> <p>4. Submitted documentation on February 6, 2003 showing that the sludge stockpiled in the third drying bed was removed, the sludge in the first and second stabilization ponds was removed, and all vegetation and tall grass was removed.</p> <p>5. Began operating the Facility under the direct supervision of a certified wastewater plant operator on September 8, 2004.</p> <p>6. Installed a backflow prevention device at the Facility's main potable service line on June 15, 2004.</p>

<p>14. Failed to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].</p> <p>15. Failed to maintain all distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>16. Failed to establish 200-foot radius restricted zones prohibiting all recreational activities and trespassing in the area about the surface water intake structures on the East Lake and West Lake [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].</p> <p>17. Failed to meet acceptable treatment technique requirements for disinfectant concentrations [30 TEX. ADMIN. CODE § 290.110(b)(1)].</p> <p>18. Failed to ensure that the chemical feeder is designed to minimize the possibility of leaks and spills [30 TEX. ADMIN. CODE § 290.42(f)(2)(D)].</p> <p>19. Failed to by failing to provide a chemical feeder in reserve or a standby unit for chlorine, caustic and polymer [30 TEX. ADMIN. CODE § 290.42(f)(2)(A)].</p> <p>20. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].</p> <p>21. Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i)].</p> <p>22. Failed to provide each filter with an operational sample tap so that the effluent turbidity of the filter can be individually monitored [30 TEX. ADMIN. CODE § 290.42(d)(11)(E)(i)].</p> <p>23. Failed to provide facilities for determining the amount of disinfectant used daily as well as the disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].</p> <p>24. Failed to initiate a maintenance program to maintain the general appearance of the Plant's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>25. Failed to provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(C)].</p> <p>26. Failed to provide a raw water pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A)].</p> <p>27. Failed to secure the East Lake raw water pump station within a locked building [30 TEX. ADMIN. CODE § 290.41(e)(5)].</p>		<p>7. On January 1, 2003, began completing and submitting monthly discharge monitoring reports and began collecting effluent samples and began conducting the required effluent monitoring of effluent discharged from Outfall 001.</p> <p>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p><u>Plant:</u></p> <ol style="list-style-type: none"><li>1. Within 30 days:<ol style="list-style-type: none"><li>a. Compile a thorough plant operations and maintenance manual and make available for operator review and reference;</li><li>b. Commence conducting and recording the results of weekly calibration checks of the on-line turbimeters;</li><li>c. Commence conducting and recording the results of calibrations of the continuous disinfectant residual analyzers using chlorine solutions of known concentrations.</li></ol></li><li>2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 1.</li><li>3. Within 60 days, establish a 200-foot radius restricted zone prohibiting all recreational activities and trespassing in the area of the surface water intake structures on the East Lake and West Lake.</li><li>4. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.c.</li><li>5. Within 90 days, establish and implement a back flow prevention program to seek out and eliminate potential cross connections at non-residential locations.</li><li>6. Within 105 days, submit written certification to demonstrate compliance with these Ordering Provisions.</li><li>7. Within 180 days:<ol style="list-style-type: none"><li>a. Provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service; and</li><li>b. Provide a raw pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service.</li></ol></li><li>8. Within 195 days, submit written certification to demonstrate compliance with these Ordering Provision No.</li></ol>
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28. Failed to provide an operational flow meter to measure production yields and provide for the accumulation of water production data on the emergency well pump discharge line [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].

29. Failed to not exceed the running annual average ("RAA") of 0.080 mg/L during the second through fourth quarters of 2004 and the first through third quarters of 2005 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

**At the Facility:**

30. Failed to prevent a discharge or disposal of wastewater into or adjacent to waters in the state at any locations not permitted as an outfall [30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121, and TPDES Permit No. 10383-001, Permit Condition No. 2.g.].

31. Failed to provide verbal notification to the Executive Director for an unauthorized discharge within 24 hours of the discharge [30 TEX. ADMIN. CODE § 305.125(9)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement No. 7.a.].

32. Failed to properly secure the Facility [30 TEX. ADMIN. CODE § 317.7(e)].

33. Failed to properly secure the Spencer lift station [30 TEX. ADMIN. CODE § 317.3(a)].

34. Failed to employ a licensed operator to operate the Facility [30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(c) and TPDES Permit No. 10383-001, Operational Requirement No. 9].

35. Failed to provide a backflow prevention device [30 TEX. ADMIN. CODE § 317.4(a)(8)].

36. Failed to maintain monitoring records required by the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement No. 3.b.].

37. Failed to maintain compliance with the permitted effluent limits for Dissolved Oxygen and pH Monthly Average Grab [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10383-001, Final Effluent Limitations and Monitoring Requirements Nos. 3 and 6, and TEX. WATER CODE § 26.121].

38. Failed to properly maintain the Facility [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 10383-001, Operational Requirement No. 1].

39. Failed to conduct required monitoring of effluent discharged from Outfall 001 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10383-002, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

9. Within 365 days, return to compliance with the running annual average maximum contaminant level for TTHM.

10. Within 380 days, submit written certification to demonstrate compliance with these Ordering Provisions.

The Respondent shall undertake the following technical requirements:

Facility:

1. Within 30 days:

- a. Begin maintaining the following monitoring records: Process control, maintenance, toxicity characteristic leaching procedure sludge analyses results, annual sludge report and liquid paint filter tests;
- b. Properly secure the imhoff tanks, sludge drying beds and appurtenances with a fence with lockable gates at all access points; and
- c. Initiate a maintenance program to maintain the general appearance of the system's facilities and equipment that includes connecting the generator utilized as the Facility's auxiliary power facility to the system, remove the vegetation in the sludge drying beds, provide tools that are necessary to maintain the imhoff tanks, remove the bulking sludge from the first stabilization pond and remove all tall vegetation from the Facility.

2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.

3. Within 90 days, comply with the permitted limits of TPDES Permit No. 10383-001, Final Effluent Limitations and Monitoring Requirements Nos. 3 and 6.

4. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision above.

Application Site:

1. Immediately, cease all unauthorized discharges of water treatment plant sludge at the Application Site.

2. Within 30 days, begin maintaining records of the amount of sludge being applied to the beneficial land use site and begin submitting an annual report by September 1 of each year that includes the registration number of the disposal facility and the amount of sludge that has been disposed of on the site.

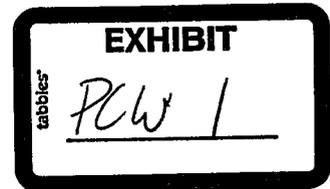
<p>40. Failed to submit a monthly effluent report each month by the 20th day of the following month for the discharge described by the permit whether or not a discharge is made for that month [30 TEX. ADMIN. CODE § 305.125(11)(B) and TPDES Permit No. 10383-002, Monitoring and Reporting Requirement No. 1].</p> <p><b>At the Application Site:</b></p> <p>41. Failed to prevent an unauthorized discharge of water treatment plant sludge [TEX. WATER. CODE § 26.121(a)(1) and TCEQ Sludge Registration No. 730055, Standard Provision No. V.D.2.].</p> <p>42. Failed to submit an annual report for the period of August 1, 2001 to July 31, 2002 that includes the registration number of the disposal facility and the amount of sludge that has been disposed of on the site [30 TEX. ADMIN. CODE § 312.123 and TCEQ Sludge Registration No. 730055, Standard Provision No. V.C.].</p>		<p>3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions above.</p>
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Penalty Calculation Worksheet (PCW)

 Policy Revision 2 (09/02)		PCW Revision 6/12/2003	
<b>DATES</b>			
PCW	8-Nov-2007	Screening	19-Nov-2003
		Priority Due	18-Mar-2004
		EPA Due	
<b>RESPONDENT INFORMATION</b>			
Respondent	City of Wolfe City		
Respondent/Site ID No(s).	Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-002		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor
<b>CASE INFORMATION</b>			
Enf./Case ID No(s).	CCEDS Case No. 10819		
Docket No.	2004-0072-MLM-E	No. Violations	1
Case Priority	3	Order Type	1660 with deferral
Enf. Coordinator	Tel Croston	EC's Team	Enforcement Team 5
Media Program(s)	Water Quality		
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY</b> ( <i>Sum of violation base penalties</i> )	<b>Subtotal 1</b>	\$17,500
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3 &amp; 7</b> \$0
Notes	No change due to average performer classification.	
<b>Culpability</b>	0% Enhancement	<b>Subtotal 4</b> \$0
Notes	The Respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b> \$0
Notes	The Respondent is not yet in compliance.	
<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b> \$0
Notes	Total EB Amounts \$591 Approx. Cost of Compliance \$200	
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b> \$17,500
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b> \$0
Notes		=
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b> \$17,500
<b>DEFERRAL</b>		<b>Adjustment</b> \$0
Notes		=
<b>PAYABLE PENALTY</b>		<b>\$17,500</b>



**Screening Date** 19-Nov-2003 **Docket Number** 2004-0072-MLM-E **PCW**  
**Respondent** City of Wolfe City **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-002  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Site Address** Approximately 3/4 miles east of the City of Wolfe City on Farm-to-Market Road 1563, south of the Western City Reservoir, Hunt County, Texas

**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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

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

No  Select Yes/No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer  Select High, Average or Poor

**Adjustment Percentage (Subtotal 7)** 0%

**Compliance History Summary**

**Compliance History Notes**

No change due to average performer classification.

**Total Adjustment Percentage (Subtotals 2, 3 & 7)** 0%

**Screening Date** 19-Nov-03      **Docket Number** 2004-0072-MLM-E      **PCW**  
**Respondent** City of Wolfe City      **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819      **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-002  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number**   
**Primary Rule Cite** 30 Tex. Admin Code §§ 305.125(1) and 305.125(11)(B)  
**Secondary Cite(s)** TPDES Permit No. 10383-002, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 and Monitoring and Reporting Requirements No. 1  
**Violation Description** Failure to conduct permit required effluent monitoring of effluent discharged from Outfall 001 and failed to submit monthly effluent reports by the 20th day of the following month for the discharge described by the permit whether or not a discharge is made for that month. Specifically, during the March 6, 2003, investigation it was documented that since May 2002, when effluent monitoring was to begin, no effluent samples had ever been collected or analyzed and no discharge monitoring reports have been submitted.

**Base Penalty**

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

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

» **Programmatic Matrix**

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

**Matrix Notes**

Human health or the environment 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**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

*mark only one; use small x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Events Notes**

Seven quarterly events are recommended for the time frame from the date effluent monitoring was to begin, May 1, 2002, to the screening date, November 19, 2003 to make the penalty commensurate with the situation.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount (\$)**

**Violation Final Penalty total**

**This Violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b> <small>No commas or \$</small>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$200	1-May-2002	21-Feb-2005	2.8	\$28	\$563	\$591
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of monitoring effluent and collecting and analyzing samples as required by the permit and submitting discharge monitoring reports. The required date is the date the Facility was required to begin monitoring/sampling the effluent and submitting discharge monitoring reports and the final date is the date the City submitted documentation showing compliance.

Approx Cost of Compliance

**TOTAL**



D. The dates of investigations.

1. 03/06/2003

E. Written notices of violation (NOV)

1. Date:

Self-reported?

Yes

No

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1:

Classification:

Violation Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

State: N/A

Site Name:

Location:

Type of Action:

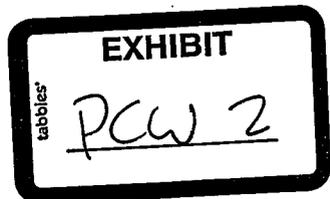
Effective Date:

Penalty Calculation Worksheet (PCW)

TCEQ Policy Revision 2 (09/02)		PCW Revision 6/12/2003	
<b>DATES</b>			
PCW	8-Nov-2007	Screening	19-Nov-2003
Priority Due	18-Mar-2004	EPA Due	
<b>RESPONDENT INFORMATION</b>			
Respondent	City of Wolfe City		
Respondent/Site ID No(s).	Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor
<b>CASE INFORMATION</b>			
Enf./Case ID No(s).	CCEDS Case No. 10819		No. Violations
Docket No.	2004-0072-MLM-E		5
Case Priority	3	Order Type	1660 without deferral
Enf. Coordinator	Tel Croston	EC's Team	Enforcement Team A
Media Program(s)	Water Quality		
Admin. Penalty \$ Limit	Minimum \$0	Maximum	\$10,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY</b> (Sum of violation base penalties)		Subtotal 1	\$18,500
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	155% Enhancement	Subtotals 2, 3 & 7	\$28,675
Notes	The Respondent received two NOV's for violations that are the same or similar to the violations addressed in this enforcement action, and self-reported 29 effluent violations within the past five years.		+
<b>Culpability</b>	0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		+
<b>Good Faith Effort to Comply</b>	0% Reduction	Subtotal 5	\$0
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
Ordinary			
None of the above	X	(mark with small x)	+
Notes	The Respondent is not yet in compliance.		
<b>Economic Benefit</b>	50% Enhancement*	Subtotal 6	\$9,250
	\$54,819 Total EB Amounts		=
	\$179,800 Approx. Cost of Compliance		
<b>SUM OF SUBTOTALS 1-7</b>		Final Subtotal	\$56,425
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		Adjustment	-\$16,650
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)			
Notes	Recommend reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.		=
		Final Penalty Amount	\$39,775
<b>STATUTORY LIMIT ADJUSTMENT</b>		Final Assessed Penalty	\$39,775
<b>DEFERRAL</b>		Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)			
Notes	No deferral is recommended because the respondent received an NOV for the same or similar violations within the past five years.		=
<b>PAYABLE PENALTY</b>			\$39,775



Screening Date 19-Nov-2003

Docket Number 2004-0072-MLM-E

PCW

Respondent City of Wolfe City

Policy Revision 2 (09/02)

Case ID No. CCEDS Case No. 10819

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001

Media [Statute] Water Quality

Enf. Coordinator Tel Croston

Site Address Adjacent to Oyster Creek approximately 0.5 miles south of Wolfe City and 0.3 miles east of State Highway 34, 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)	31	155%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please enter Yes or No

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

Adjustment Percentage (Subtotal 2) 155%

>> Repeat Violator (Subtotal 3)

No  Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer  Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes The Respondent received two NOVs for violations that are the same or similar to the violations addressed in this enforcement action, and self-reported 29 effluent violations within the past five years.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 155%

**Screening Date** 19-Nov-03      **Docket Number** 2004-0072-MLM-E      **PCW**  
**Respondent** City of Wolfe City      **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819      **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number**   
**Primary Rule Cite** 30 Tex. Admin Code § 305.125(1) and (5), Tex. Water Code § 26.121, and TPDES Permit No. 10383-001, Permit Condition 2.g.  
**Secondary Cite(s)**  
**Violation Description** Failure to prevent a discharge or disposal of wastewater into or adjacent to waters in the state at any locations not permitted as an outfall. Specifically, during the investigation conducted on January 27, 2003, it was documented that the CR 512 lift station was observed discharging raw sewage to the adjacent property into a bar ditch.

		<b>Base Penalty</b>	<b>\$10,000</b>
» Environmental, Property and Human Health Matrix			
<b>Harm</b>			
	<b>Release</b>	Major      Moderate      Minor	
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input checked="" type="text" value="x"/>	
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>	
		<b>Percent</b>	<input type="text" value="10%"/>
» Programmatic Matrix			
	<b>Falsification</b>	Major      Moderate      Minor	
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	
		<b>Percent</b>	<input type="text"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation. The unauthorized discharge was mitigated and no physical impacts to the environment were noted.		
		<b>Adjustment</b>	<input type="text" value="-9,000"/>
		<b>Base Penalty Subtotal</b>	<b>\$1,000</b>

**Violation Events**

**Number of Violation Events**

*mark only one; use small x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty**

**Events Notes** One quarterly event is recommended based on the date of the discharge, January 27, 2003 to the date of compliance, January 28, 2003.

Economic Benefit (EB) for this violation	Statutory Limit Test
<b>Estimated EB Amount (\$)</b> <input type="text" value="\$23,585"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$2,150"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,150"/>	

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b> No commas or \$	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
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**Delayed Costs**

Equipment	\$45,000	27-Jan-2003	28-Jan-2003	0.0	\$0	\$8	\$9
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$115,000	27-Jan-2003	31-Dec-2005	2.9	\$1,123	\$22,454	\$23,577
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a supervisory control and data acquisition system to monitor for leaks to prevent any unauthorized discharges and estimated cost to replace sewer lines. Date required is investigation date and final date is date (1/28/03) SCADA system was installed and estimated date when sewer lines will be replaced.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

**TOTAL**

**Screening Date** 19-Nov-03      **Docket Number** 2004-0072-MLM-E      **PCW**  
**Respondent** City of Wolfe City      **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819      **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number**   
**Primary Rule Cite**   
**Secondary Cite(s)**   
**Violation Description**

**Base Penalty**

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

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

» **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

*mark only one; use small x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Events Notes**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount (\$)**

**Violation Final Penalty total**

**This Violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b> No commas or \$	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$18,000	27-Jan-2003	8-Sep-2004	1.6	\$1,455	\$29,096	\$30,551
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to employ a certified operator. Required date is the first investigation date and final date is the date the City hired a certified operator.

Approx Cost of Compliance \$18,000

**TOTAL** \$30,551

**Screening Date** 19-Nov-03      **Docket Number** 2004-0072-MLM-E      **PCW**  
**Respondent** City of Wolfe City      **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819      **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number** 3  
**Primary Rule Cite** 30 Tex. Admin Code § 317.4(a)(8)  
**Secondary Cite(s)**  
**Violation Description** Failure to provide a backflow prevention device. Specifically, during the January 27 and September 25, 2003 investigations it was documented that there was no backflow prevention device at the Facility's main potable water service line.

**Base Penalty** \$10,000

» Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential	x			Percent 25%

» Programmatic Matrix

		Major	Moderate	Minor	
OR	Falsification				Percent

**Matrix Notes** Failure to have backflow prevention devices installed at the main water line from the wastewater treatment facility to the public water supply could allow a significant amount of contaminants which would exceed levels that are protective of human health to enter the water supply.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

Violation Events

**Number of Violation Events** 1

*mark only one; use small x*

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

**Violation Base Penalty** \$2,500

**Events Notes** One annual event is recommended for the time frame from the investigation date, January 27, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

**Estimated EB Amount (\$)** \$10

**Violation Final Penalty total** \$5,375

**This Violation Final Assessed Penalty (adjusted for limits)** \$5,375

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 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
<b>Delayed Costs</b>							
Equipment	\$100	27-Jan-2003	15-Jun-2004	1.4	\$0	\$9	\$10
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a backflow prevention device properly installed at the Facility's main potable water service line. Date required is the investigation date and the date the backflow prevention device was installed.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

**TOTAL**

**Screening Date** 19-Nov-03 **Docket Number** 2004-0072-MLM-E **PCW**  
**Respondent** City of Wolfe City **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number** 4  
**Primary Rule Cite** 30 Tex. Admin Code § 305.125(1) and (11)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement 3.b.  
**Secondary Cite(s)** 30 Tex. Admin Code § 305.125(9)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirements No. 7.a.  
**Violation Description** Failure to maintain monitoring records required by the permit and failed to provide verbal notification to the Executive Director for an unauthorized discharge within 24 hours of the discharge. Specifically, during the January 27, and September 25, 2003 investigations, it was documented that the Facility failed to maintain the following records: Process control, maintenance, toxicity characteristic leaching procedure sludge analyses results, annual sludge report and liquid paint filter test results. Additionally, during the January 27, 2003 investigation, it was documented that the Facility failed to verbally report the overflow of raw sewage at the Facility's bar screen due to a power outage that occurred on January 4, 2004.

**Base Penalty** \$10,000

» Environmental, Property and Human Health Matrix

**Harm**

Release	Major	Moderate	Minor
Actual			
Potential			

**Percent**

» Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

**Percent** 10%

**Matrix Notes**

The Respondent failed to comply with 100 percent of the rule.

**Adjustment** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

**Number of Violation Events** 2

*mark only one; use small x*

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$2,000

**Events Notes**

Two single events are recommended based on the investigations dates, January 27 and September 25, 2003, that the records were not available for review.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount (\$)** \$13

**Violation Final Penalty total** \$4,300

**This Violation Final Assessed Penalty (adjusted for limits)** \$4,300

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	27-Jan-2003	31-Aug-2005	2.6	\$13	n/a	\$13
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain the required records as stated in the Facility's permit and provide verbal and written notification of unauthorized discharges to the Commission. Date required is the investigation date and the final date is the estimated date of compliance. Note: Verbal and written notification of the unauthorized discharge was provided on 1/28/04.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

**TOTAL**

Screening Date 19-Nov-03

Docket Number 2004-0072-MLM-E

PCW

Respondent City of Wolfe City

Policy Revision 2 (09/02)

Case ID No. CCEDS Case No. 10819

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. 10383-001

Media [Statute] Water Quality

Enf. Coordinator Tel Croston

Violation Number

Primary Rule Cite

30 Tex. Admin Code § 305.125(1), Tex. Water Code § 26.121 and TPDES Permit No. 10383-001, Final Effluent Limitations and Monitoring Requirements Nos. 3 and 6

Secondary Cite(s)

30 Tex. Admin Code § 305.125(5) and TPDES Permit No. 10383-001, Operational Requirement No. 1 and 30 Tex. Admin Code §§ 317.7(e) and 317.3(a)

Violation Description

Failure to comply with the permitted limits of TPDES Permit No. 10383-001 during the months of May, June, July, August, October, November and December 2001, and January, February, May, June, July, August, September, October and November 2002 and January through July 2003 (see attached chart). Failure to properly maintain and secure the Facility and secure the Spencer lift station. Specifically, during the January 27, 2003 investigation the following violations were documented: The imhoff tanks, sludge drying beds and appurtenances were not adequately secured by a fence and the Spencer lift station was not properly secured with a lock, the generator utilized as the Facility's auxiliary power was not operational, sludge was stockpiled in the third drying bed and the first and second stabilization ponds had bulking sludge, tools necessary to maintain the imhoff tanks were not available, the primary flow measuring device, the Wylie lift station fenced area and the embankments of each stabilization pond was overcome with vegetation. Most of the same violations were documented during the September 25, 2003 investigation.

Base Penalty

» Environmental, Property and Human Health Matrix

**Harm**

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

» Programmatic Matrix

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

Percent

Matrix Notes

The effect of DO and pH exceedances was evaluated and it was determined that human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Events Notes

Three annual events are recommended based on the violation months of May 2001 through July 2003 to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 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	\$200	27-Jan-2003	1-Aug-2005	2.5	\$2	\$33	\$35
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	27-Jan-2003	1-Aug-2005	2.5	\$126	n/a	\$126

Notes for DELAYED costs

Estimated cost to provide a generator that is utilized as the Plant's auxiliary power facility, remove the vegetation that is growing in the sludge drying beds, provide tools necessary to maintain the imhoff tanks, remove tall vegetation around the Facility, remove the bulking sludge from the first stabilization pond and to secure the imhoff tanks, sludge drying beds and appurtenances with a proper fence and properly secure the Spencer lift station. The date required is the first investigation date that the violations were documented and the final date is the estimated date of compliance. Note: The City submitted documentation on February 6, 2003 showing that the sludge stockpiled in the third drying bed was removed, the sludge in the first and second stabilization ponds was removed and all vegetation and tall grass was removed around the Wylie lift station fenced area, the primary flow measuring device and the embankments of the stabilization ponds and the Spencer lift station was adequately secured.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$400	30-May-2001	30-Jun-2005	5.0	\$100	\$400	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for additional oversight and sampling which may have reduced or alleviated the exceedances. Date required is the first month of non-compliance and the final date is the estimated date of compliance.

Approx Cost of Compliance

**TOTAL**



## COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator:	CN600646749 City of Wolfe City	Customer Classification: Average Customer Rating: 0.73
Regulated Entity/ID Nos.:	RN102896255 City of Wolfe City Wastewater Treatment Facility	Site Classification: Average Site Rating: 2.20
	Wastewater Permit TPDES0023558	
	Wastewater Permit WQ0010383001	
	Wastewater Permit TX0023558	
Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]:	located adjacent to Oyster Creek approximately 0.5 miles south of Wolfe City and 0.3 miles east of State Highway 34 in Hunt County	Repeat Violator: (y/n) N
TCEQ Region No.	4	
Date Compliance History Prepared:	February 2, 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: 2/2/99 - 2/2/04

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

Name: Sandy VanCleave Phone: (512) 239-0667

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Unk
2. Has there been a (known) change in ownership of the site during the compliance period?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	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					

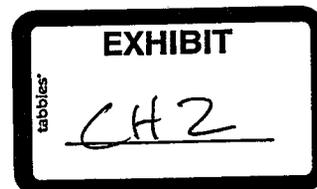
Components (multimedia) for the Site:

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

1.	Effective Date: None	Type of Action:
	Violation Citation 1:	Classification:
	Violation Description:	

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.

1. 07/18/2002
2. 07/23/2001
3. 07/19/2000
4. 06/17/2002
5. 06/18/2001
6. 06/20/2000
7. 05/28/2002
8. 05/18/2001
9. 06/02/2000
10. 04/24/2003
11. 04/18/2002
12. 04/19/2001
13. 04/26/2000
14. 03/20/2000
15. 03/28/2003
16. 03/18/2002
17. 03/19/2001
18. 08/13/2001
19. 02/19/2002
20. 03/01/2001
21. 02/18/2000
22. 05/01/2001
23. 03/25/2003
24. 02/18/2000
25. 02/18/2002
26. 01/23/2001
27. 02/18/2000
28. 12/19/2002
29. 12/17/2001
30. 12/15/2000
31. 05/02/2000
32. 11/20/2002
33. 11/21/2001
34. 11/20/2000
35. 05/02/2000
36. 11/01/2001
37. 10/16/2000
38. 09/18/2002
39. 09/19/2001
40. 04/03/2001
41. 08/16/2002
42. 08/29/2001
43. 08/21/2000
44. 02/18/2003
45. 05/19/2003
46. 06/20/2003
47. 07/21/2003
48. 09/19/2003

E. Written notices of violation (NOV)

1. Date: 06/30/2001 Self-reported?  Yes  No  
Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
305.125(1)  
TWC Chapter 26 26.121(a)(G)  
Violation Description: Failure to meet the limit for one or more permit parameter

- |    |                        |   |                 |   |                             |          |
|----|------------------------|---|-----------------|---|-----------------------------|----------|
| 2. | Date:                  | 05/30/2002  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 3. | Date:                  | 05/30/2001  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 4. | Date:                  | 03/31/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 5. | Date:                  | 03/31/2000  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 6. | Date:                  | 02/28/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 7. | Date:                  | 02/28/2002  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 8. | Date:                  | 01/31/2002  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|    |                        |   |                 |   |                             |          |
| 9. | Date:                  | 01/31/2000  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|    | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|    | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |

- |     |                        |   |                 |   |                             |          |
|-----|------------------------|---|-----------------|---|-----------------------------|----------|
| 10. | Date:                  | 12/31/2001  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 11. | Date:                  | 11/30/2002  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 12. | Date:                  | 11/30/2001  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 13. | Date:                  | 10/31/1999  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 14. | Date:                  | 10/31/2002  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 15. | Date:                  | 10/31/2001  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 16. | Date:                  | 09/30/1999  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |
|     |                        |   |                 |   |                             |          |
| 17. | Date:                  | 09/30/2000  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G) | Classification: |   |                             | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter                    |                 |   |                             |          |

18. Date: 08/31/2002 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
19. Date: 08/31/2001 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
20. Date: 08/31/2000 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
21. Date: 07/31/2002 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
22. Date: 07/31/2001 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
23. Date: 06/30/2002 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
24. Date: 09/30/2002 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter
25. Date: 01/31/2003 Self-reported?  Yes  No  
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate  
 305.125(1)  
 TWC Chapter 26 26.121(a)(G)  
 Violation Description: Failure to meet the limit for one or more permit parameter

- |     |                        |   |                 |   |  |          |
|-----|------------------------|---|-----------------|---|--|----------|
| 26. | Date:                  | 04/30/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter  |                 |   |  |          |
| 27. | Date:                  | 05/31/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter  |                 |   |  |          |
| 28. | Date:                  | 06/30/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter  |                 |   |  |          |
| 29. | Date:                  | 07/31/2003  | Self-reported?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter  |                 |   |  |          |
| 30. | Date:                  | 05/01/2000  | Self-reported?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |          |
|     | Violation Citation 1:  | 30 TAC Chapter 305, SubChapter F<br>305.125(1)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to meet the limit for one or more permit parameter  |                 |   |  |          |
|     | Violation Citation 2:  | TPDES Permit WQ0010383001,<br>Compliance Requirements No. 2(g)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to prevent overflows or sewage discharges from the city collection system and failure to implement preventative maintenance for collection equipment. |                 |   |  |          |
|     | Violation Citation 3:  | TPDES Permit WQ0010383001,<br>Operational Requirements No. 1<br>30 TAC 317.7  | Classification: |   |  | Minor    |
|     | Violation Description: | Failure to install safety and non-potable signs and failure to erect adequate fencing.  |                 |   |  |          |
|     | Violation Citation 4:  | TPDES Permit WQ0010383001,<br>Noncompliance Notification<br>Requirements No. 7(c)   | Classification: |   |  | Moderate |
|     | Violation Description: | Failure to report 9/99 TSS excursion in excess of 40 %.   |                 |   |  |          |
| 31. | Date:                  | 12/07/2000  | Self-reported?  | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |          |
|     | Violation Citation 1:  | TPDES Permit WQ0010383001,<br>Compliance Requirements No. 2(g)<br>TWC Chapter 26 26.121(a)(G)   | Classification: |   |  | Major    |
|     | Violation Description: | Unauthorized discharge of sewage  |                 |   |  |          |

Violation Citation 2: TPDES Permit WQ0010383001, Classification: Moderate  
Operational Requirements No. 1

Violation Description: Failure to adequately maintain collections equipment to prevent unauthorized discharges.

Violation Citation 3: TPDES Permit WQ0010383001, Classification: Moderate  
Noncompliance Notification  
Requirements No. 7

Violation Description: Failure to notify TNRCC regional office within 24 hours of the noncompliance.

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1:

Classification:

Violation Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

#### Sites Outside of Texas

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:

 Policy Revision 2 (09/02)		<b>Penalty Calculation Worksheet (PCW)</b>		PCW Revision 6/12/2003	
<b>DATES</b>					
PCW	8-Nov-2007	Screening	19-Nov-2003	Priority Due	18-Mar-2004
				EPA Due	
<b>RESPONDENT INFORMATION</b>					
Respondent: City of Wolfe City					
Respondent/Site ID No(s)		TCEQ Sludge Registration No. 730055			
Facility/Site Region		4 - Dallas/Fort Worth	Major/Minor Source: Minor		
<b>CASE INFORMATION</b>					
Enf./Case ID No(s)	CCEDS Case No. 10819		No. Violations: 2		
Docket No.	2004-0072-MLM-E		Order Type: 1660 with deferral		
Case Priority	3	Enf. Coordinator: Tel Croston		EC's Team: Enforcement Team 5	
Media Program(s)	Water Quality				
Admin. Penalty \$ Limit	Minimum \$0	Maximum \$10,000			

**Penalty Calculation Section**

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

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

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

**Compliance History** 0% Enhancement Subtotals 2, 3 & 7

Notes:  +

**Culpability** 0% Enhancement Subtotal 4

No  Select Yes/No

Notes:  +

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

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

Notes:  +

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

<input type="text" value="\$78"/>	Total EB Amounts	*Capped at the Total EB \$ Amount
<input type="text" value="\$600"/>	Approx. Cost of Compliance	=

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)

Notes:  =

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT**

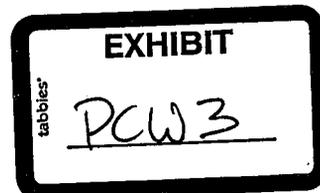
**Final Assessed Penalty**

**DEFERRAL** Deferral  Reduction Adjustment

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

Notes:  =

**PAYABLE PENALTY**



<b>Screening Date</b> 19-Nov-2003 <b>Respondent</b> City of Wolfe City <b>Case ID No.</b> CEEDS Case No. 10819 <b>Respondent/Site ID No.</b> TCEQ Sludge Registration No. 730055 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> Tel Croston <b>Site Address</b> <span style="border: 1px solid black; padding: 2px;">Approximately 0.5 miles east of State Highway and County Road 1563, east of Wolfe City, Hunt County, Texas.</span>	<b>Docket Number</b> 2004-0072-MLM-E <b>Policy Revision 2 (09/02)</b> <b>PCW Revision 6/12/2003</b> <span style="float: right; font-weight: bold; font-size: 1.2em;">PCW</span>
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**Compliance History Worksheet**

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

Component	Number of...	<i>Enter Number Here</i>	<b>Adjust.</b>
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

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

No  Select Yes/No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer  Select High, Average or Poor

**Adjustment Percentage (Subtotal 7)** 0%

**Compliance History Summary**

**Compliance History Notes**

No change due to average performer classification.

**Total Adjustment Percentage (Subtotals 2, 3 & 7)** 0%

**Screening Date** 19-Nov-03 **Docket Number** 2004-0072-MLM-E **PCW**  
**Respondent** City of Wolfe City **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** TCEQ Sludge Registration No. 730055  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Tel Croston  
**Violation Number**   
**Primary Rule Cite**   
**Secondary Cite(s)**   
**Violation Description**

**Base Penalty**

» Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

» Programmatic Matrix

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

Violation Events

**Number of Violation Events**

*mark only one; use small x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Events Notes**

Economic Benefit (EB) for this violation      Statutory Limit Test

**Estimated EB Amount (\$)**

**Violation Final Penalty total**

**This Violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	18-Feb-2003	1-Sep-2005	2.5	\$63	n/a	\$63

**Notes for DELAYED costs**  
 Estimated cost to remove sludge from the creek and provide additional oversight to prevent further discharge from the beneficial land use site. Date required is the investigation date and the final date is the estimated date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx Cost of Compliance  **TOTAL**

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> TCEQ Sludge Registration No. 730055		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> 2		
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 312.123 and TCEQ Sludge Registration No. 730055, No. V.C.	
<b>Secondary Cite(s)</b>		
<b>Violation Description</b>	Failure to submit an annual report for the period of August 1, 2001 to July 31, 2002 including the registration number of the disposal facility and the amount of water treatment sludge that has been disposed of on the site. Specifically, during the investigation it was documented that the City is not maintaining any records of the amount of sludge that is being applied to the beneficial land use site and the City failed to submit an annual report that was due on September 1, 2002.	

**Base Penalty** \$10,000

» Environmental, Property and Human Health Matrix

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual				
	Potential				<b>Percent</b> <input style="width: 50px;" type="text"/>

» Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
OR		x			<b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>

**Matrix Notes** The Respondent failed to comply with 100 percent of this rule.

**Adjustment**   
**Base Penalty Subtotal** \$1,000

**Violation Events**

<b>Number of Violation Events</b>	<input style="width: 50px;" type="text" value="1"/>													
<i>mark only one; use small x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">monthly</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">annual</td><td style="width: 50px;"></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> <input style="width: 50px;" type="text" value="\$1,000"/>
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													

**Events Notes** One single event is recommended for failure to submit the September 1, 2002 annual sludge report.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount (\$)</b> <input style="width: 50px;" type="text" value="\$15"/>	<b>Violation Final Penalty total</b> <input style="width: 50px;" type="text" value="\$1,000"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 50px;" type="text" value="\$1,000"/>	

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Water Quality  
**Violation Number** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	1-Sep-2002	1-Sep-2005	3.0	\$15	n/a	\$15
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to submit an annual report on the correct forms. Date required is the date the annual sludge report was due for the year prior to the investigation and the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx Cost of Compliance**  **TOTAL**

## COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator:	CN600646749      The City of Wolfe City	Site Classification: Average Customer Rating: 0.73
Regulated Entity/ID Nos.:	RN10316705   Wolfe City Beneficial Land Use Site TCEQ Sludge Registration No. 730055	Site Classification: High Site Rating: 0.0
Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]:	Approximately 0.5 miles east of State Highway 11 and County Road 1563, east of Wolfe City, Hunt County, Texas	Repeat Violator: (y/n) N/A
TCEQ Region No.	4	
Date Compliance History Prepared:	February 3, 2004	

Agency Decision Requiring Compliance History (mark one):

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

Compliance Period: 2/02/1999 - 2/02/2004

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

Name: Sandy VanCleave Phone: (512) 239-0667

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Unk
2. Has there been a (known) change in ownership of the site during the compliance period?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> 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:

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

1.	Effective Date:      None	Type of Action:
	Violation Citation 1:	Classification:
	Violation Description:	

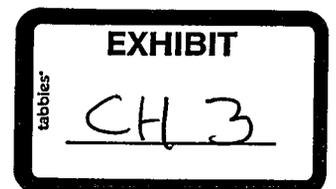
B. Any criminal convictions of the state of Texas and the federal government.

Conviction Date:      None

Count 1:

Count 2:

C. Chronic excessive emissions events:    None



D. The dates of investigations.

1. 08/28/2003

E. Written notices of violation (NOV)

1. Date:

Self-reported?

Yes

No

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1:

Classification:

Violation Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

State: N/A

Site Name:

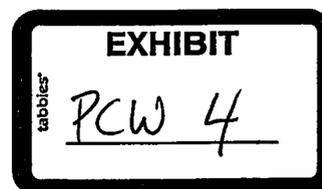
Location:

Type of Action:

Effective Date:

TCEQ		Penalty Calculation Worksheet (PCW)		PCW Revision 6/12/2003	
Policy Revision 2 (09/02)					
<b>DATES</b>					
PCW	8-Nov-2007	Screening	19-Nov-2003	Priority Due	18-Mar-2004
EPA Due					
<b>RESPONDENT INFORMATION</b>					
Respondent	City of Wolfe City				
Respondent/Site ID No(s)	Public Water Supply No. 1160005				
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source		Minor	
<b>CASE INFORMATION</b>					
Enf./Case ID No(s)	CCEDS Case No. 10819			No. Violations	14
Docket No.	2004-0072-MLM-E			Order Type	1660 without deferral
Case Priority	3	EC's Team	Enforcement Team 5		
Enf. Coordinator	Tel Croston				
Media Program(s)	Public Water Supply				
Admin. Penalty \$ Limit	Minimum	\$50	Maximum	\$1,000	

Penalty Calculation Section			
<b>TOTAL BASE PENALTY</b> (Sum of violation base penalties)		Subtotal 1	\$5,150
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	7% Enhancement	Subtotals 2, 3 & 7	\$361
Notes	The Respondent received one NOV for violations that are the same or similar to the violations addressed in this enforcement action, and one NOV for violations that were not the same or similar to the violations addressed in this enforcement action.		+
<b>Culpability</b>	0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		+
<b>Good Faith Effort to Comply</b>	0% Reduction	Subtotal 5	\$0
Extraordinary	Before NOV	NOV to EDRP/Settlement Offer	
Ordinary			
None of the above	X	(mark with small x)	+
Notes	The Respondent is not yet in compliance.		
<b>Economic Benefit</b>	50% Enhancement*	Subtotal 6	\$2,575
	\$32,986 Total EB Amounts		=
	\$74,030 Approx. Cost of Compliance		
<b>SUM OF SUBTOTALS 1-7</b>		Final Subtotal	\$8,086
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)			
Notes			=
		Final Penalty Amount	\$8,086
<b>STATUTORY LIMIT ADJUSTMENT</b>		Final Assessed Penalty	\$8,086
<b>DEFERRAL</b>		Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)			
Notes	No deferral is recommended because the respondent received an NOV for the same or similar violations within the past five years.		=
<b>PAYABLE PENALTY</b>			\$8,086



**Screening Date** 19-Nov-2003 **Docket Number** 2004-0072-MLM-E **PCW**  
**Respondent** City of Wolfe City **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Public Water Supply No. 1160005  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Tel Croston  
**Site Address** 3/4 miles east of Wolfe City on Farm to Market Road 1563 south of the Western City Reservoir, Hunt County

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

**Compliance History Summary**

**Compliance History Notes**

The Respondent received one NOV for violations that are the same or similar to the violations addressed in this enforcement action, and one NOV for violations that were not the same or similar to the violations addressed in this enforcement action.

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

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 290.46(e)(3)(E)(i) (currently at § 290.46(e)(6)(A)) and (ii) (currently at § 290.46(e)(6)(C))	
<b>Secondary Cite(s)</b>		
<b>Violation Description</b>	Failure to operate the Plant under the direct supervision of a licensed water works operator who holds a class "B" or higher surface water license and failed to have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or equip the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed, as documented during an investigation on March 6, 2003.	
	<b>Base Penalty</b>	<b>\$1,000</b>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text" value="x"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="25%"/>
» Programmatic Matrix		
<b>OR</b>	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
		<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	The integrity of the water system may be compromised without the proper supervision of a certified operator holding a valid certificate which could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.	
	<b>Adjustment</b>	<input type="text" value="-750"/>
	<b>Base Penalty Subtotal</b>	<b>\$250</b>
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="3"/>
mark only one; use small x	<b>daily</b>	<input type="text"/>
	<b>monthly</b>	<input type="text"/>
	<b>quarterly</b>	<input type="text" value="x"/>
	<b>semiannual</b>	<input type="text"/>
	<b>annual</b>	<input type="text"/>
	<b>single event</b>	<input type="text"/>
	<b>Violation Base Penalty</b>	<b>\$750</b>
<b>Events Notes</b>	Three quarterly events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation.	
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$24,066"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$1,178"/>
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>	<b>\$1,178</b>

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$520	6-Mar-2003	29-Apr-2003	0.1	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to provide the Plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms. The required date is the investigation date and the final date is the date the City made repairs to the existing monitors/alarms.

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$12,000	6-Mar-2003	31-Jan-2005	1.9	\$1,146	\$22,915	\$24,061
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 Estimated cost to employ a full-time operator holding a Class "B" license. The required date is the investigation date and the final date is the date of compliance.

Approx Cost of Compliance **\$12,520** **TOTAL** **\$24,066**

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Primary Rule Cite</b>	<input type="text" value="30 Tex. Admin §§ 290.121(b)(1), 290.46(n)(2), and 290.46(n)(1)"/>	
<b>Secondary Cite(s)</b>	<input type="text" value="30 Tex. Admin §§ 290.42(k) (currently at § 290.42(l)) and 290.46(f)(3)(A)(iii)"/>	
<b>Violation Description</b>	<input type="text" value="Failure to provide a copy of a monitoring plan that includes information on the location of all sampling points in the system, failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, failed to maintain up-to-date engineering plans for the Plant, failed to maintain an adequate up-to-date operations and maintenance manual and failed to maintain records of complaints."/>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	Release	Major      Moderate      Minor
OR	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text"/>
» Programmatic Matrix		
	Falsification	Major      Moderate      Minor
OR	<input type="text"/>	<input type="text"/> <input checked="" type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="5%"/>
<b>Matrix Notes</b>	<input type="text" value="The Respondent failed to comply with at least 50 percent of the rule."/>	
	<b>Adjustment</b>	<input type="text" value="-950"/>
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$50"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="1"/>
<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$50"/>
<b>Events Notes</b>	<input type="text" value="One single event is recommended based on the investigation date of March 6, 2003."/>	
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$14"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$79"/>
		<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$79"/>

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	6-Mar-2003	1-Dec-2005	2.7	\$14	n/a	\$14
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost to maintain the following records: A copy of a monitoring plan that includes information on the location of all sampling points in the system, an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, up-to-date engineering plans for the Plant, an adequate up-to-date operations and maintenance manual and records of complaints. The required date is the investigation date and the final date is the estimated date of compliance. Note: On April 23, 2003, the City submitted a copy of the Plant's monitoring plan, on march 6, 2003, the City submitted up-to-date engineering plans for the Plant on March 6, 2003 and on January 29, 2005 the City submitted an up-to-date map of the distribution system..

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx Cost of Compliance \$100

**TOTAL** \$14

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>												
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)												
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003												
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005														
<b>Media [Statute]</b> Public Water Supply														
<b>Enf. Coordinator</b> Tel Croston														
<b>Violation Number</b> <input type="text" value="3"/>														
<b>Primary Rule Cite</b>	<input type="text" value="30 Tex. Admin Code § 290.46(f)(3)"/>													
<b>Secondary Cite(s)</b>	<input type="text"/>													
<b>Violation Description</b>	<input type="text" value="Failure to complete the surface water monthly operating report in accordance with the current concentration time study."/>													
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>												
» Environmental, Property and Human Health Matrix														
	<b>Harm</b>													
	Release	Major      Moderate      Minor												
<b>OR</b>	Actual	<input type="text"/>												
	Potential	<input type="text"/>												
	<b>Percent</b>	<input type="text"/>												
» Programmatic Matrix														
	Falsification	Major      Moderate      Minor												
<b>OR</b>	<input type="text"/>	x												
	<b>Percent</b>	<input type="text" value="5%"/>												
<b>Matrix Notes</b>	<input type="text" value="The Respondent failed to comply with at least 50 percent of this rule."/>													
	<b>Adjustment</b>	<input type="text" value="-950"/>												
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$50"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b>	<input type="text" value="1"/>												
<i>mark only one; use small x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													
		<input type="text" value="\$50"/>												
<b>Events Notes</b>	<input type="text" value="One single event is recommended based on the investigation date of March 6, 2003."/>													
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>													
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$11"/>	<b>Violation Final Penalty total</b>												
		<input type="text" value="\$79"/>												
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>													
		<input type="text" value="\$79"/>												

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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

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**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$10	9-Mar-2003	21-Feb-2005	2.0	\$1	\$10	\$11
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to complete the surface water monthly operating reports in accordance with the current concentration time study. The required date is the investigation date and the final date is the date the City submitted documentation showing compliance.
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Approx Cost of Compliance

**TOTAL**

**Screening Date** 19-Nov-03 **Docket Number** 2004-0072-MLM-E **PCW**  
**Respondent** City of Wolfe City **Policy Revision 2 (09/02)**  
**Case ID No.** CCEDS Case No. 10819 **PCW Revision 6/12/2003**  
**Respondent/Site ID No.** Public Water Supply No. 1160005  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Tel Croston

**Violation Number**   
**Primary Rule Cite** 30 Tex. Admin Code § 290.42(i) (currently at § 290.42(j))

**Secondary Cite(s)** 30 Tex. Admin Code §§ 290.46(m)(4), 290.42(d)(7)(D) (currently at § 290.42(f)(2)(D)), 290.110(b)(1), 290.42(e)(3)(D), and 290.42(d)(7)(A) (currently at § 290.42(f)(2)(A))

**Violation Description**  
 Failure to ensure all chemicals and and any replacement or additional process media used in the treatment of water supplied by public water systems conforms to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standard 60 for direct additives, failed to maintain all distribution system lines and related appurtenances including the chemical feeder in a watertight condition, failed to meet acceptable treatment technique requirements for disinfectant concentrations, failed to provide facilities for determining the amount of disinfectant used daily as well as the disinfectant remaining for use and failed to provide a chemical feeder in reserve or a standby unit for chlorine, caustic and polymer. Specifically, during the investigation it was documented that the gas chlorine and caustic did not have the ANSI/NSF standard 60 certification, the flush valve located within the emergency well area was leaking and the pump that supplies caustic from the day tank to the filtered water was leaking heavily causing corrosion on the counter on which the pump was housed, the Plant was changing the treatment of the water by increasing the filter media depth, the Plant was chlorinating the raw water at an improper point, the chlorination facilities were equipped with inoperative scales, the secondary regulator was inoperative and the pre chlorination rollameter was inoperative.

**Base Penalty**

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

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

» **Programmatic Matrix**

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

**Matrix Notes**  
 The use of chemicals not certified by ANSI/NSF standards could expose human health or the environment to significant amounts of pollutants which would not exceed levels protective of human health or the environment.

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input checked="" type="text" value="x"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Events Notes**  
 Two semiannual events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount (\$)**

**Violation Final Penalty total**

**This Violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$2,000	6-Mar-2003	21-Feb-2005	2.0	\$13	\$262	\$275
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$500	6-Mar-2003	21-Feb-2005	2.0	\$3	\$66	\$69
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	6-Mar-2003	21-Feb-2005	2.0	\$5	n/a	\$5
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to repair the leaking flush valve located within the emergency well area, estimated cost to repair the leaking pump that supplies caustic from the day tank and clean up the corrosion on the counter, estimated cost to submit a concentration time study that includes all treatment processes from the intake of raw water through the clear well, and estimated cost to replace the scales and repair or replace the secondary regulator, the pre-chlorination rollameter and emergency rollmeter. Date required is the investigation date and the final date is the date the City submitted documentation showing 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$25	6-Mar-2003	21-Apr-2003	1.0	\$1	\$25	\$26

**Notes for AVOIDED costs**  
 Estimated cost to ensure all chemicals have ANSI/NSF standard 60 certification. Required date is the investigation date and final date is the date the City submitted verification that all chemicals have ANSI/NSF standard 60 certification.

Approx Cost of Compliance \$2,575

**TOTAL** \$375

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="5"/>		
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 290.44(h)	
<b>Secondary Cite(s)</b>		
<b>Violation Description</b>	<p>Failed to insure that connections meeting the definition of "high health hazards" pursuant to 30 Tex. Admin. Code § 290.38(22) have properly installed backflow prevention devices unless an adequate cross-connection control program exists. Specifically, during the investigation it was documented that the City failed to institute a cross-connection control program and failed to ensure that the following connections have backflow prevention devices installed: Henington Industries, Ennis Tag and Label and the local mortuary.</p>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text" value="x"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="25%"/>
» Programmatic Matrix		
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text"/>
<b>Matrix Notes</b>	Failure to have backflow prevention devices installed at high health hazard connections could allow a significant amount of contaminants which would exceed levels that are protective of human health and the environment to enter the water supply.	
	<b>Adjustment</b>	<input type="text" value="-750"/>
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$250"/>
Violation Events		
	<b>Number of Violation Events</b>	<input type="text" value="3"/>
<i>mark only one; use small x</i>	daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text" value="x"/>	<b>Violation Base Penalty</b> <input type="text" value="\$750"/>
<b>Events Notes</b>	Three single events for the violations documented during the March 6, 2003 investigation.	
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount (\$)</b> <input type="text" value="\$960"/>	<b>Violation Final Penalty total</b>	<input type="text" value="\$1,178"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,178"/>

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$5,000	6-Mar-2003	1-Dec-2005	2.7	\$46	\$914	\$960
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that all high health hazard connections have backflow prevention devices properly installed. Date required is the inspection date and the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

**TOTAL**

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>												
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)												
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003												
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005														
<b>Media [Statute]</b> Public Water Supply														
<b>Enf. Coordinator</b> Tel Croston														
<b>Violation Number</b>	6													
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 290.46(j)													
<b>Secondary Cite(s)</b>														
<b>Violation Description</b>	Failure to conduct customer service inspections prior to providing continuous water service to new construction. Specifically, during the investigation it was documented that the City has provided permanent water service to the following homes without securing a customer service inspection: 342 Mockingbird, 426 East Main, 737 South Mill Street and 445 North Santa Fe, Nos. A and B. The City also continues to provide service to 735 South Commerce Street even though the structure failed the customer service inspection.													
	<b>Base Penalty</b>	\$1,000												
» Environmental, Property and Human Health Matrix														
	<b>Harm</b>													
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>												
<b>OR</b>	Actual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> <tr><td style="text-align: center;">Potential</td><td></td><td></td></tr> </table>				Potential								
Potential														
	<b>Percent</b>	[ ]												
» Programmatic Matrix														
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>												
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td></tr> </table>		x		<b>Percent</b> 10%									
	x													
<b>Matrix Notes</b>	The Respondent failed to comply with 100 percent of the rule.													
	<b>Adjustment</b>	-\$900												
	<b>Base Penalty Subtotal</b>	\$100												
<b>Violation Events</b>														
	<b>Number of Violation Events</b>	6												
<small>mark only one; use small x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:30%;">daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> \$600
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													
<b>Events Notes</b>	Six single events are recommended for the violations documented during the March 6, 2003 investigation.													
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount (\$)</b>	\$14	<b>Violation Final Penalty total</b> \$942												
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		\$942												

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	6-Mar-2003	1-Dec-2005	2.7	\$14	n/a	\$14
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to conduct customer service inspections on new construction. Date required is the investigation date and the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx Cost of Compliance \$100

**TOTAL** \$14

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="7"/>		
<b>Primary Rule Cite</b>	<input type="text" value="30 Tex. Admin Code § 290.46(s)(1)"/>	
<b>Secondary Cite(s)</b>	<input type="text" value="30 Tex. Admin Code §§ 290.46(s)(2)(B)(iv) and (s)(2)(C)(ii) and 290.41(c)(3)(N)"/>	
<b>Violation Description</b>	<p>Failure to calibrate the raw, backwash and finished water meters at least annually, failed to calibrate the on-line turbimeters at least once a week, failed to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations and failed to provide an operational flow meter to measure production yields and provide for the accumulation of water production data on the emergency well pump discharge line. Specifically, during the investigation it was documented that the meter on the emergency well failed to operate and the well had to be manually activated to determine production capacity.</p>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text" value="x"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="25%"/>
» Programmatic Matrix		
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text"/>
<b>Matrix Notes</b>	<p>Failing to calibrate equipment could expose human health and environmental receptors to significant amount of pollutants which would exceed levels that are protective of human health and the environment.</p>	
	<b>Adjustment</b>	<input type="text" value="-750"/>
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$250"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="3"/>
<i>mark only one; use small x</i>	<b>daily</b>	<input type="text"/>
	<b>monthly</b>	<input type="text"/>
	<b>quarterly</b>	<input checked="" type="checkbox"/>
	<b>semiannual</b>	<input type="text"/>
	<b>annual</b>	<input type="text"/>
	<b>single event</b>	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$750"/>
<b>Events Notes</b>	<p>Three quarterly events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation.</p>	
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$6,213"/>	<b>Violation Final Penalty total</b>
		<input type="text" value="\$1,178"/>
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>	
		<input type="text" value="\$1,178"/>

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$50	6-Mar-2003	21-Feb-2005	2.0	\$0	\$7	\$7
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$45,000	6-Mar-2003	21-Feb-2005	2.0	\$295	\$5,901	\$6,196
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	6-Mar-2003	21-Feb-2005	2.0	\$10	n/a	\$10

**Notes for DELAYED costs** Estimated cost to calibrate water meters at least annually, the on-line turbimeters at least once per week and the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations and estimated cost to provide a flow meter on the emergency well pump discharge line and make repairs to the well and building. Date required is the investigation date and the final date is the date the City submitted documentation showing 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx Cost of Compliance \$45,150 TOTAL \$6,213

<b>Screening Date</b>	19-Nov-03	<b>Docket Number</b>	2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b>	City of Wolfe City			<b>Policy Revision 2 (09/02)</b>
<b>Case ID No.</b>	CCEDS Case No. 10819			<b>PCW Revision 6/12/2003</b>
<b>Respondent/Site ID No.</b>	Public Water Supply No. 1160005			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	<input type="text" value="8"/>			
<b>Primary Rule Cite</b>	<input type="text" value="30 Tex. Admin Code § 290.41(e)(2)(C)"/>			
<b>Secondary Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failure to establish 200 foot radius restricted zones prohibiting all recreational activities and trespassing in the area about the surface water intake structures on the East Lake and West Lake."/>			
		<b>Base Penalty</b>	<input type="text" value="\$1,000"/>	

» Environmental, Property and Human Health Matrix

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

» Programmatic Matrix

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

**Matrix Notes**

**Adjustment**  .....  
**Base Penalty Subtotal**

**Violation Events**  
**Number of Violation Events**

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

**Violation Base Penalty**

**Events Notes**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount (\$)</b> <input type="text" value="\$96"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$1,178"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,178"/>	

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$500	6-Mar-2003	1-Dec-2005	2.7	\$5	\$91	\$96
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to put buoys and signs 200 feet around restricted zones in the water. Date required is the investigation date and the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$500

**TOTAL** \$96

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="9"/>		
<b>Primary Rule Cite</b> <input type="text" value="30 Tex. Admin Code § 290.42(d)(13)"/>		
<b>Secondary Cite(s)</b> <input type="text"/>		
<b>Violation Description</b>	<input type="text" value="Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint."/>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text"/>
» Programmatic Matrix		
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	<input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="The Respondent failed to comply with 100 percent of the rule."/>	
	<b>Adjustment</b>	<input type="text" value="-900"/>
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$100"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="1"/>
<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>
<b>Events Notes</b>	<input type="text" value="One quarterly event is recommended for the time frame from the date of the investigation, March 6, 2003, to the date of compliance, April 21, 2003, to make the penalty commensurate with the situation."/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
	<b>Estimated EB Amount (\$)</b> <input type="text" value="\$1"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$157"/>
		<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$157"/>

### Economic Benefit Worksheet

Respondent City of Wolfe City  
 ID Number(s) CCEDS Case No. 10819  
 Media [Statute] Public Water Supply  
 Violation Number 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	6-Mar-2003	21-Apr-2003	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to label the influent, effluent, waste backwash, and chemical feed lines. Date required is the investigation date and the final date is the date the City submitted documentation showing the corrective action taken.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$100

**TOTAL** \$1

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>												
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)												
<b>Case ID No.</b> CEEDS Case No. 10819		PCW Revision 6/12/2003												
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005														
<b>Media [Statute]</b> Public Water Supply														
<b>Enf. Coordinator</b> Tel Croston														
<b>Violation Number</b>	10													
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 290.42(d)(11)(D)(i) and (d)(11)(E)(i)													
<b>Secondary Cite(s)</b>														
<b>Violation Description</b>	Failure to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators and failed to provide each filter with an operational sample tap so that the effluent turbidity of the filter can be individually monitored. Specifically, during the investigation it was documented that the single rate of flow controller for the filters was not operational.													
	<b>Base Penalty</b>	\$1,000												
» Environmental, Property and Human Health Matrix														
	<b>Harm</b>													
	Release	Major      Moderate      Minor												
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>												
	Potential	<input type="text"/> <input checked="" type="checkbox"/> <input type="text"/>												
	<b>Percent</b>	10%												
» Programmatic Matrix														
	Falsification	Major      Moderate      Minor												
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>												
	<b>Percent</b>	<input type="text"/>												
<b>Matrix Notes</b>	The influent and effluent pressures cannot be accurately measured during filter operation without an operational rate-of flow-controller which may allow significant amount of pollutants which would not exceed levels that are protective of human health or the environment pass through the filters.													
	<b>Adjustment</b>	-\$900												
	<b>Base Penalty Subtotal</b>	\$100												
<b>Violation Events</b>														
	<b>Number of Violation Events</b>	2												
<i>mark only one; use small x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 50px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input checked="" type="checkbox"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> \$200
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input checked="" type="checkbox"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
<b>Events Notes</b>	Two semiannual events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation.													
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount (\$)</b>	\$90	<b>Violation Final Penalty total</b> \$314												
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		\$314												

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 10

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b> <small>No commas or \$</small>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
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**Delayed Costs**

Equipment	\$650	6-Mar-2003	21-Feb-2005	2.0	\$4	\$85	\$90
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to repair or replace the rate-of-flow indicators and estimated cost to clean, flush and repair each individual filter tap. The date required is the investigation date and the final date is the date the City submitted documentation showing 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx Cost of Compliance

**TOTAL**

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>																		
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)																		
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003																		
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005																				
<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Tel Croston																				
<b>Violation Number</b>	11																			
<b>Primary Rule Cite</b>	30 Tex. Admin Code § 290.46(m)																			
<b>Secondary Cite(s)</b>																				
<b>Violation Description</b>	Failure to initiate a maintenance program to maintain the general appearance of the system's facilities and equipment. Specifically, during the investigation it was documented that the weirs of the sedimentation basins were rusting and the paint was peeling, the sedimentation basin walls were in need of repair and need painted, there was an accumulation of sludge in the east sedimentation basin and an alum bulk storage tank needed removed from the Plant.																			
	<b>Base Penalty</b>	\$1,000																		
» Environmental, Property and Human Health Matrix																				
	<b>Harm</b>																			
	Release	Major      Moderate      Minor																		
OR	Actual	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> </tr> </table>				Potential		x												
Potential		x																		
	<b>Percent</b>	5%																		
» Programmatic Matrix																				
	Falsification	Major      Moderate      Minor																		
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>																			
	<b>Percent</b>																			
<b>Matrix Notes</b>	Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																			
	<b>Adjustment</b>	-\$950																		
	<b>Base Penalty Subtotal</b>	\$50																		
<b>Violation Events</b>																				
	<b>Number of Violation Events</b>	1																		
<i>mark only one; use small x</i>	daily	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> <td style="text-align: center;">x</td> </tr> </table>				monthly			quarterly			semiannual			annual			single event		x
monthly																				
quarterly																				
semiannual																				
annual																				
single event		x																		
	<b>Violation Base Penalty</b>	\$50																		
<b>Events Notes</b>	One single event is recommended based on the investigation date of March 6, 2003.																			
<b>Economic Benefit (EB) for this violation</b>																				
	<b>Estimated EB Amount (\$)</b>	\$110																		
<b>Statutory Limit Test</b>																				
	<b>Violation Final Penalty total</b>	\$79																		
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>																			
		\$79																		

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$800	6-Mar-2003	21-Feb-2005	2.0	\$5	\$105	\$110
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to paint the weirs of the sedimentation basins, the sedimentation basin wall and removal of the accumulation of sludge in the east sedimentation basin. The date required is the investigation date and the final date is the date the City submitted documentation showing 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$800

**TOTAL** \$110

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b> <input type="text" value="12"/>		
<b>Primary Rule Cite</b> 30 Tex. Admin Code § 290.41(e)(3)(C) (currently at § 290.41(e)(5))		
<b>Secondary Cite(s)</b>		
<b>Violation Description</b>	Failure to secure the East Lake raw water pump station within a locked building. Specifically, during the investigation it was documented that the pump house containing the raw water pumps was not secured with a lock.	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input checked="" type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="10%"/>
» Programmatic Matrix		
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>
		<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>	
	<b>Adjustment</b>	<input type="text" value="-900"/>
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$100"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	<input type="text" value="2"/>
<i>mark only one; use small x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input checked="" type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$200"/>
<b>Events Notes</b>	<input type="text" value="Two semiannual events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation."/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$1"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$314"/>
<b>This Violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$314"/>

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$25	6-Mar-2003	5-Aug-2003	0.4	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to secure the east lake raw water pump station building with a lock. Date required is the investigation and the final date is the date the City submitted documentation showing 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$25

**TOTAL** \$1

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>												
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)												
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003												
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005														
<b>Media [Statute]</b> Public Water Supply														
<b>Enf. Coordinator</b> Tel Croston														
<b>Violation Number</b> <input type="text" value="13"/>														
<b>Primary Rule Cite</b>	<input type="text" value="30 Tex. Admin Code § 290.45(b)(2)(A) and (b)(2)(C)"/>													
<b>Secondary Cite(s)</b>	<input type="text"/>													
<b>Violation Description</b>	<input type="text" value="Failure to provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service and failed to provide a raw water pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service."/>													
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>												
» Environmental, Property and Human Health Matrix														
	<b>Harm</b>													
	<b>Release</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>												
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>												
	Potential	<input type="text"/> <input checked="" type="text"/> <input type="text"/>												
	<b>Percent</b>	<input type="text" value="10%"/>												
» Programmatic Matrix														
	<b>Falsification</b>	<b>Major</b> <b>Moderate</b> <b>Minor</b>												
<b>OR</b>	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>												
	<b>Percent</b>	<input type="text"/>												
<b>Matrix Notes</b>	<input type="text" value="Lack of transfer pump capacity (31% deficient) could result in low water pressure and back flow problems and may allow a significant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health."/>													
	<b>Adjustment</b>	<input type="text" value="-900"/>												
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$100"/>												
<b>Violation Events</b>														
	<b>Number of Violation Events</b>	<input type="text" value="2"/>												
<i>mark only one; use small x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="text-align: center;"><input checked="" type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input checked="" type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$200"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input checked="" type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
<b>Events Notes</b>	<input type="text" value="Two semiannual events are recommended for the time frame from the date of the investigation, March 6, 2003, to the screening date, November 19, 2003, to make the penalty commensurate with the situation."/>													
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>													
<b>Estimated EB Amount (\$)</b>	<input type="text" value="\$349"/>	<b>Violation Final Penalty total</b> <input type="text" value="\$314"/>												
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$314"/>													

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,500	6-Mar-2003	30-Jun-2006	3.3	\$17	\$332	\$349
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service and failed to provide a raw water pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service. Date required is the investigation date and the 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance \$1,500

**TOTAL** \$349

<b>Screening Date</b> 19-Nov-03	<b>Docket Number</b> 2004-0072-MLM-E	<b>PCW</b>
<b>Respondent</b> City of Wolfe City		Policy Revision 2 (09/02)
<b>Case ID No.</b> CCEDS Case No. 10819		PCW Revision 6/12/2003
<b>Respondent/Site ID No.</b> Public Water Supply No. 1160005		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b>	14	
<b>Primary Rule Cite</b>	30 Tex. Admin. Code § 290.113(f)(4)	
<b>Secondary Cite(s)</b>	Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	Exceeded the MCL for total trihalomethanes ("TTHMs") by exceeding the running annual average (RAA) of 0.080 mg/L during the second through fourth quarters of 2004 and the first through third quarters of 2005. The RAA values were 0.97, 1.41, 1.41, 2.24, 1.33 and 0.87 mg/L for the second quarter of 2004 through the third quarter of 2005, respectively.	
	<b>Base Penalty</b>	\$1,000
» Environmental, Property and Human Health Matrix		
	<b>Harm</b>	
	Release	Major      Moderate      Minor
OR	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	25%
» Programmatic Matrix		
OR	Falsification	Major      Moderate      Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	<input type="text"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health.	
	<b>Adjustment</b>	-\$750
	<b>Base Penalty Subtotal</b>	\$250
<b>Violation Events</b>		
	<b>Number of Violation Events</b>	2
<i>mark only one; use small x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input checked="" type="checkbox"/>
	single event	<input type="checkbox"/>
	<b>Violation Base Penalty</b>	\$500
<b>Events Notes</b>	Two annual events are recommended based on documentation of the violation during the second through fourth quarter of 2004 and first through third quarter of 2005.	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>
	<b>Estimated EB Amount (\$)</b>	\$687
	<b>Violation Final Penalty total</b>	\$785
	<b>This Violation Final Assessed Penalty (adjusted for limits)</b>	
		\$785

### Economic Benefit Worksheet

**Respondent** City of Wolfe City  
**ID Number(s)** CCEDS Case No. 10819  
**Media [Statute]** Public Water Supply  
**Violation Number** 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$5,000	30-Sep-2004	30-Jun-2007	2.7	\$687	n/a	\$687

Notes for DELAYED costs

Estimated cost to implement an alternative method of disinfection. Date required is the first quarter the system was out of compliance and the end 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/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx Cost of Compliance

**TOTAL**



- 1. 8/19/1999
- 2. 7/7/1999
- 3.3/6/2003

E. Written notices of violation (NOV)

1. Date: July 7, 1999 Self-reported?  Yes  No
- Violation Citation 1: 30 TAC § 290.42(c)(3) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.b.ii Classification:
- Violation Description: Failure to use jar testing equipment as a routine method to help in the adjustment and determination of proper coagulant dosages, following changes in raw water quality.
- Violation Citation 2: 30 TAC § 290.46(m) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.b.v Classification:
- Violation Description: Failure to initiate a maintenance program which includes, but is not limited to, painting the inside and outside of the clearwell storage tank, repairing or replacing the rusted ladder inside the clearwell, improve the general appearance of all plant facilities, and reduce costly repairs due to lack of proper maintenance.
- Violation Citation 3: 30 TAC § 290.42(e)(5) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.c.i Classification:
- Violation Description: Failure to provide a full face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) Standards for construction and operation.
- Violation Citation 4: 30 TAC § 290.46(p)(1) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.d.iv Classification:
- Violation Description: Failure to record and maintain for a period of five years the results of both the clearwell and elevated storage tanks inspections.
- Violation Citation 5: 30 TAC § 290.42(d)(7)(A) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.g.i Classification:
- Violation Description: Failure to provide each type of chemical feeder with a standby or reserve unit of similar capacity.
- Violation Citation 6: 30 TAC § 290.42(d)(6)(D) and § 290.42(d)(6)(E)(i) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.g.v Classification:
- Violation Description: Failure to provide day tanks to minimize the possibility of severely overfeeding liquid chemicals.
- Violation Citation 7: 30 TAC § 290.42(d)(6)(B) and Agreed Order 1996-1924-PWS-E, Ordering Provision 2.g.vi Classification:
- Violation Description: Failure to clearly label all day tanks to indicate contents.
2. Date: August 19, 1999 Self-reported?  Yes  No
- Violation Citation 1: 30 TAC § 290.42(d)(6)(D) Classification:
- Violation Description: Failure to provide day tanks to minimize the possibility of severely overfeeding chemicals.
- Violation Citation 2: 30 TAC § 290.43(c)(2) Classification:

Violation Description: Failure to provide storage tank with a roof access opening in accordance with AWWA Standards.  
Violation Citation 3: 30 TAC § 290.43(c)(3) Classification:  
Violation Description: Failure to provide a properly designed overflow flap for the new ground storage tank.  
Violation Citation 4: 30 TAC § 290.43(c)(1) Classification:  
Violation Description: Failure to vents in accordance with AWWA Standards on the ground storage tank

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1: Classification:

Violation Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF WOLFE CITY;  
RN101387579, RN102896255,  
AND RN103016705

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2004-0072-MLM-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Wolfe City (the "City") under the authority of TEX. WATER CODE ch. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located adjacent to Oyster Creek, approximately 0.5 mile south of the City and 0.3 mile east of State Highway 34 in Hunt County, Texas (the "Facility"), and a surface water treatment plant located approximately 0.75 mile east of the City on Farm-to-Market Road 1563, south of the Western City Reservoir in Hunt County, Texas (the "Plant") that has approximately 851 service connections and serves at least 25 people per day for at least 60 days per year. The City also owns a sludge site where sludge is beneficially land applied on two acres of land located east of the City, approximately 0.5 mile east of State Highway 11 and County Road 1563 (the "Application Site").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070 and TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 341, and TCEQ rules.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

4. The City received notices of the violations alleged in Section II ("Allegations") on or about March 31, 2003, April 19, 2003, May 14, 2003, and December 1, 2003.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of seventy thousand three hundred sixty-one dollars (\$70,361.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid two thousand one hundred eleven dollars (\$2,111.00) of the administrative penalty. The remaining amount of sixty-eight thousand two hundred fifty dollars (\$68,250.00) shall be payable in thirty-five (35) monthly payments of one thousand nine hundred fifty dollars (\$1,950.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than thirty (30) days following the due date of the previous payment. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Plant:
  - a. Provided documentation on May 9, 2003 showing that the continuous turbidity and disinfectant residual monitors and automatic plant shut down alarms were repaired on April 29, 2003;
  - b. Submitted a monitoring plan for the Plant that includes the locations of all sampling points on April 23, 2003;
  - c. Submitted "as built" construction and engineering plans for the Plant on March 6, 2003;

- d. Submitted documentation on April 21, 2003 showing that the gas chlorine and caustic conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) standard 60 certification;
- e. Submitted documentation on April 21, 2003 showing that the influent, effluent, and waste backwash and chemical feed lines were properly labeled;
- f. Submitted documentation on April 21, 2003 showing that the sludge was removed from the east sedimentation basin;
- g. Submitted documentation on May 9, 2003 showing that the weirs of the sedimentation basins were painted;
- h. Secured the East Lake raw pump station with a lock on August 5, 2003;
- i. Removed the alum bulk storage tank from the Plant and refurbished the sedimentation walls on September 3, 2003;
- j. Installed a flow meter on the emergency well pump discharge line on April 13, 2004;
- k. Submitted a new concentration time study in response to the increasing depth of the filter media and the point where the raw water is chlorinated on September 15, 2004;
- l. Began recording results of annual calibrations of the raw, backwashed, and finished water meters on October 6, 2004;
- m. Began operating the Plant under the direct supervision of a Grade "B" certified water works operator on January 31, 2005;
- n. Submitted documentation on February 21, 2005 stating that surface water monthly operating reports were being completed in accordance with the Plant's concentration time study;
- o. Submitted documentation on February 21, 2005 stating that the Plant has chlorine scales, a secondary regulator, and a pre-chlorination rollameter that are in working condition;
- p. Submitted documentation on February 21, 2005 stating that the City developed a system to maintain a record of complaints;
- q. Submitted documentation on February 21, 2005 stating that an up-to-date map of the distribution system has been completed;

- r. Repaired the pump that supplies caustic from the day tank to the filtered water on January 19, 2005;
  - s. Provided standby chlorine feeders on January 19, 2005;
  - t. Submitted documentation on February 21, 2005 stating that the leaking flush valve located within the emergency well area was in a watertight condition;
  - u. Submitted documentation on February 21, 2005 stating that a new rate-of-flow controller had been installed; and
  - v. Submitted documentation on February 21, 2005 stating that an operational sample tap was provided for each filter.
  - w. By September 2006, commenced completing customer service inspection certificates prior to providing continuous water service to new construction or on any existing service when the water purveyor has reason to believe that cross-connections or other unacceptable plumbing practices exist.
10. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
- a. Submitted documentation on January 28, 2003 showing that the City installed a new breaker on the lift station to prevent future unauthorized discharges;
  - b. Submitted written notification on January 28, 2003 of the unauthorized discharges that occurred on January 4, 2003 and January 27, 2003;
  - c. Submitted documentation on February 6, 2003 showing that a lock was installed and a steel plate had been welded at the opening of the wet well at the Spencer lift station and that a lock was installed on the control box at the main facility;
  - d. Submitted documentation on February 6, 2003 showing that the sludge stockpiled in the third drying bed was removed, the sludge in the first and second stabilization ponds was removed, and all vegetation and tall grass was removed around the Wylie lift station fenced area, the primary flow measuring device, and the embankments of the stabilization ponds;
  - e. Began operating the Facility under the direct supervision of a certified wastewater plant operator on September 8, 2004;

- f. Installed a backflow prevention device at the Facility's main potable service line on June 15, 2004; and
  - g. On January 1, 2003, began completing and submitting monthly discharge monitoring reports and began collecting effluent samples and began conducting the required effluent monitoring of effluent discharged from Outfall 001.
11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. The City, as owner and operator of the Plant, is alleged to have violated:
- a. 30 TEX. ADMIN. CODE § 290.46(e)(3)(E)(i) (current version at 30 TEX. ADMIN. CODE § 290.46(e)(6)(A)) by failing to operate the Plant under the direct supervision of a licensed water works operator who holds a class "B" or higher surface water license, as documented on March 6, 2003;
  - b. 30 TEX. ADMIN. CODE § 290.46(e)(3)(E)(ii) (current version at 30 TEX. ADMIN. CODE § 290.46(e)(6)(C)) by failing to have at least one class "C" or higher surface water operator on duty at the plant when it is in operation or equip the Plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the Plant is not staffed, as documented on March 6, 2003;
  - c. 30 TEX. ADMIN. CODE § 290.121(b)(1) by failing to provide a copy of a monitoring plan that includes information on the location of all sampling points in the distribution system, as documented on March 6, 2003;
  - d. 30 TEX. ADMIN. CODE § 290.46(n)(2) by failing to maintain an up-to-date map of the

distribution system so that all valves and mains may be easily located during emergencies, as documented on March 6, 2003;

- e. 30 TEX. ADMIN. CODE § 290.46(n)(1) by failing to maintain up-to-date engineering plans for the Plant, as documented on March 6, 2003;
- f. 30 TEX. ADMIN. CODE § 290.42(k) (current version at 30 TEX. ADMIN. CODE § 290.42(l)) by failing to maintain an adequate up-to-date operations and maintenance manual, as documented on March 6, 2003;
- g. 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(iii) by failing to maintain records of complaints, as documented on March 6, 2003;
- h. 30 TEX. ADMIN. CODE § 290.46(f)(3) by failing to complete the surface water monthly operating reports in accordance with the current concentration time study dated August 8, 1994, as documented on March 6, 2003;
- i. 30 TEX. ADMIN. CODE § 290.42(i) (current version at 30 TEX. ADMIN. CODE § 290.42(j)) by failing to ensure all chemicals and any replacement or additional process media used in the treatment of water supplied by public water systems conforms to ANSI/NSF standard 60 for direct additives, as documented on March 6, 2003. Specifically, the gas chlorine and caustic did not have the ANSI/NSF standard 60 certification;
- j. 30 TEX. ADMIN. CODE § 290.44(h) by failing to ensure that connections meeting the definition of "high health hazards" pursuant to 30 TEX. ADMIN. CODE § 290.38(22) have properly installed backflow prevention devices, unless an adequate cross-connection control program exists, as documented on March 6, 2003. Specifically, the City failed to institute a cross-connection control program and failed to ensure that the following connections have backflow prevention devices: Henington Industries, Ennis Tag and Label, and the local mortuary;
- k. 30 TEX. ADMIN. CODE § 290.46(j) by failing to conduct customer service inspections prior to providing continuous water service to new construction, as documented on March 6, 2003. Specifically, the City provided permanent water service without securing a customer service inspection to the following homes: 342 Mockingbird, 426 East Main, 737 South Mill Street and 445 North Santa Fe, Nos. A and B. The City also continued to provide service to 735 South Commerce Street after the structure failed the customer service inspection;
- l. 30 TEX. ADMIN. CODE § 290.46(s)(1) by failing to calibrate the raw, backwash and finished water meters at least annually, as documented on March 6, 2003;

- m. 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) by failing to calibrate the on-line turbimeters at least once per week, as documented on March 6, 2003;
- n. 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii) by failing to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations, as documented on March 6, 2003;
- o. 30 TEX. ADMIN. CODE § 290.46(m)(4) by failing to maintain all distribution system lines and related appurtenances in a watertight condition, as documented on March 6, 2003. Specifically, the flush valve located within the emergency well area was leaking;
- p. 30 TEX. ADMIN. CODE § 290.41(e)(2)(C) by failing to establish 200-foot radius restricted zones prohibiting all recreational activities and trespassing in the area about the surface water intake structures on the East Lake and West Lake, as documented on March 6, 2003;
- q. 30 TEX. ADMIN. CODE § 290.110(b)(1) by failing to meet acceptable treatment technique requirements for disinfectant concentrations, as documented on March 6, 2003. Specifically, the Plant was changing the treatment of the water by increasing the filter media depth and the Plant was chlorinating the raw water at an improper point;
- r. 30 TEX. ADMIN. CODE § 290.42(d)(7)(D) (current version at 30 TEX. ADMIN. CODE § 290.42(f)(2)(D)) by failing to ensure that the chemical feeder is designed to minimize the possibility of leaks and spills, as documented on March 6, 2003. Specifically, the pump that supplies caustic from the day tank to the filtered water was leaking heavily, causing corrosion on the counter on which the pump was housed;
- s. 30 TEX. ADMIN. CODE § 290.42(d)(7)(A) (current version at 30 TEX. ADMIN. CODE § 290.42(f)(2)(A)) by failing to provide a chemical feeder in reserve or a standby unit for chlorine, caustic and polymer, as documented on March 6, 2003;
- t. 30 TEX. ADMIN. CODE § 290.42(d)(13) by failing to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, as documented on March 6, 2003;
- u. 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i) by failing to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, as documented on March 6, 2003. Specifically, the

single rate-of-flow controller for the filters was not operational;

- v. 30 TEX. ADMIN. CODE § 290.42(d)(11)(E)(i) by failing to provide each filter with an operational sample tap so that the effluent turbidity of the filter can be individually monitored, as documented on March 6, 2003;
- w. 30 TEX. ADMIN. CODE § 290.42(e)(3)(D) by failing to provide facilities for determining the amount of disinfectant used daily as well as the disinfectant remaining for use, as documented on March 6, 2003. Specifically, during the chlorination facilities were equipped with inoperative scales, the secondary regulator was inoperative and the pre-chlorination rollameter was inoperative;
- x. 30 TEX. ADMIN. CODE § 290.46(m) by failing to initiate a maintenance program to maintain the general appearance of the Plant's facilities and equipment, as documented on March 6, 2003. Specifically, the weirs of the sedimentation basins were rusting and the paint was peeling, the sedimentation basin walls were in need of repair and needed to be painted, there was an accumulation of sludge in the east sedimentation basin, and an alum bulk storage tank needed removal from the Plant;
- y. 30 TEX. ADMIN. CODE § 290.45(b)(2)(C) by failing to provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service, as documented on March 6, 2003;
- z. 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) by failing to provide a raw water pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service, as documented on March 6, 2003;
- aa. 30 TEX. ADMIN. CODE § 290.41(e)(3)(C) (current version at 30 TEX. ADMIN. CODE § 290.41(e)(5)) by failing to secure the East Lake raw water pump station within a locked building, as documented on March 6, 2003. Specifically, the pump house containing the raw water pumps was not secured with a lock;
- bb. 30 TEX. ADMIN. CODE § 290.41(c)(3)(N) by failing to provide an operational flow meter to measure production yields and provide for the accumulation of water production data on the emergency well pump discharge line, as documented on March 6, 2003. Specifically, the meter on the emergency well failed to operate and the well had to be manually activated to determine production capacity;
- cc. 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by exceeding the running annual average ("RAA") of 0.080 mg/L during the second through fourth quarters of 2004 and the first through third quarters of 2005, as documented on June 14, 2006. Specifically, the RAA values were 0.97,

1.41, 1.41, 2.24, 1.33, and 0.87 mg/L for the second quarter of 2004 through the third quarter of 2005, respectively.

2. The City, as owner and operator of the Facility, is alleged to have violated:
  - a. 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121, and TPDES Permit No. 10383-001, Permit Condition No. 2.g. by failing to prevent a discharge or disposal of wastewater into or adjacent to waters in the state at any locations not permitted as an outfall, as documented on January 27, 2003. Specifically, the CR 512 lift station was observed discharging raw sewage to the adjacent property into a bar ditch;
  - b. 30 TEX. ADMIN. CODE § 305.125(9)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement No. 7.a. by failing to provide verbal notification to the Executive Director for an unauthorized discharge within 24 hours of the discharge, as documented on January 27, 2003. Specifically, the Facility failed to verbally report the overflow of raw sewage at the Facility's bar screen caused by a power outage that occurred on January 4, 2003;
  - c. 30 TEX. ADMIN. CODE § 317.7(e) by failing to properly secure the Facility, as documented on January 27, 2003 and September 25, 2003. Specifically, the imhoff tanks, sludge drying beds, and appurtenances were not adequately secured by a fence with lockable gates;
  - d. 30 TEX. ADMIN. CODE § 317.3(a) by failing to properly secure the Spencer lift station, as documented during an investigation conducted on January 27, 2003. Specifically, the wet well at the Spencer lift station was not properly covered and the control box was not properly secured with a lock;
  - e. 30 TEX. ADMIN. CODE §§ 30.331(b) and 30.350(c) and TPDES Permit No. 10383-001, Operational Requirement No. 9 by failing to employ a licensed operator to operate the Facility, as documented on January 27, 2003 and September 25, 2003. Specifically, the operator-in-training had been maintaining the Facility for the past 2.5 years and had failed to obtain the proper certification after one year;
  - f. 30 TEX. ADMIN. CODE § 317.4(a)(8) by failing to provide a backflow prevention device, as documented on January 27, 2003 and September 25, 2003. Specifically, there was no backflow prevention device at the Facility's main potable water service line;
  - g. 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement No. 3.b. by failing to maintain monitoring

records required by the permit, as documented during investigations conducted on January 27, 2003 and September 25, 2003. Specifically, the Facility failed to maintain the following records: Process control, maintenance, toxicity characteristic leaching procedure sludge analyses results, annual sludge report, and liquid paint filter test results;

- h. 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10383-001, Final Effluent Limitations and Monitoring Requirements Nos. 3 and 6, and TEX. WATER CODE § 26.121 by failing to maintain compliance with the permitted effluent limits listed below, as documented on January 27, 2003 and September 25, 2003:

	Dissolved Oxygen Weekly Minimum Grab 4.0 milligrams per liter	pH Monthly Avg Grab 6.0-9.0 Standard units
May 2001	3.6	
June 2001	3.4	
July 2001	3.0	9.5
August 2001	3.4	9.8
October 2001	3.0	9.4
November 2001	1.7	
December 2001	3.1	
January 2002	2.4	26.25
February 2002	3.8	
May 2002	2.7	
June 2002		9.8
July 2002	2.3	
August 2002		9.3
September 2002	3.9	
October 2002	2.6	
November 2002	3.6	
January 2003	3.1	
February 2003	3.4	
March 2003	3.7	
April 2003	2.9	

May 2003	3.6	
June 2003	3.6	
July 2003	3.6	

- i. 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 10383-001, Operational Requirement No. 1, by failing to properly maintain the Facility, as documented on January 27, 2003 and September 25, 2003. Specifically, during the January 27, 2003, investigation it was documented that the generator utilized as the Facility's auxiliary was not operational, sludge wasted from the imhoff tanks was stockpiled in the third drying bed, tools necessary to maintain the imhoff tanks were not available, the primary flow measuring device was overcome with vegetation, the embankments of each stabilization pond were overcome with grass, cattails and trees, the first and second stabilization ponds had bulking sludge, and the Wylie lift station fenced area was overcome with vegetation. During the September 25, 2003, investigation, it was documented that the generator utilized as the Facility's auxiliary was not connected to the system, vegetation was growing in the sludge drying beds, tools necessary to maintain the imhoff tanks were not available, the entire facility was overcome with tall vegetation, and the first stabilization pond had bulking sludge.
  - j. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10383-002, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, by failing to conduct required monitoring of effluent discharged from Outfall 001, as documented on March 6, 2003. Specifically, no effluent samples had ever been collected or analyzed since May 2002, when effluent monitoring was to begin; and
  - k. 30 TEX. ADMIN. CODE § 305.125(11)(B) and TPDES Permit No. 10383-002, Monitoring and Reporting Requirement No. 1, by failing to submit a monthly effluent report each month by the 20<sup>th</sup> day of the following month for the discharge described by the permit whether or not a discharge is made for that month, as documented on March 6, 2003. Specifically, discharge monitoring reports had not been submitted since May 2002.
3. The City, as owner and operator of the Application Site, is alleged to have violated:
- a. TEX. WATER. CODE § 26.121(a)(1) and TCEQ Sludge Registration No. 730055, Standard Provision No. V.D.2. by failing to prevent an unauthorized discharge of water treatment plant sludge, as documented on February 18, 2003. Specifically, the water treatment plant sludge was migrating from the beneficial land use site through a trench constructed by city personnel into a nearby creek; and

- b. 30 TEX. ADMIN. CODE § 312.123 and TCEQ Sludge Registration No. 730055, Standard Provision No. V.C. by failing to submit an annual report for the period of August 1, 2001 to July 31, 2002 that includes the registration number of the disposal facility and the amount of sludge that has been disposed of on the site, as documented on February 18, 2003. Specifically, the City was not maintaining any records of the amount of sludge that is being applied to the beneficial land use site and the City failed to submit an annual report by September 1, 2002.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay administrative penalties as set forth in Section I, Paragraph 6 above. The payment of these administrative penalties and the City’s compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be sent with the notation “Re: City of Wolfe City; Docket No. 2004-0072-MLM-E; Enforcement ID No. 10819”, to:

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

2. The City shall undertake the following technical requirements at the Plant:
  - a. Within 30 days after the effective date of this Agreed Order, the City shall:
    - i. Compile a thorough plant operations and maintenance manual and make available for operator review and reference. This manual should be of sufficient detail to provide the operator with routine maintenance and repair procedures as well as provide telephone numbers of water system personnel, system officials, and local, state and federal agencies to be contacted in the event of an emergency, as required by 30 TEX. ADMIN. CODE § 290.42(1);

- ii. Commence conducting and recording the results of weekly calibration checks of the on-line turbimeters, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv); and
  - iii. Commence conducting and recording the results of calibrations of the continuous disinfectant residual analyzers using chlorine solutions of known concentrations, as required by 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii).
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 60 days after the effective date of this Agreed Order, establish a 200-foot radius restricted zone prohibiting all recreational activities and trespassing in the area of the surface water intake structures on the East Lake and West Lake, as required by 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order, establish and implement a back flow prevention program to seek out and eliminate potential cross connections at non-residential locations, as required by 30 TEX. ADMIN. CODE § 290.44(h).
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Agreed Order:
  - i. Provide a minimum transfer pump capacity of 0.6 gallons per minute per connection with the largest pump out of service, as required by 30 TEX. ADMIN. CODE § 290.45(b)(2)(C); and
  - ii. Provide a raw pumping capacity of 0.6 gallons per minute per connection with the largest pump out of service, as required by 30 TEX. ADMIN. CODE § 290.45(b)(2)(A).

- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g.
  - i. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average maximum contaminant level for TTHM.
  - j. Within 380 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include a copy of the water analysis to demonstrate compliance with Ordering Provision No. 2.i.
3. It is further ordered that the City shall undertake the following technical requirements at the Facility:
- a. Within 30 days after the effective date of this Agreed Order:
    - i. Begin maintaining the following monitoring records: Process control, maintenance, toxicity characteristic leaching procedure sludge analyses results, annual sludge report and liquid paint filter tests, as required by 30 TEX. ADMIN. CODE § 305.125(11)(B) and TPDES Permit No. 10383-001, Monitoring and Reporting Requirement No. 3.b.;
    - ii. Properly secure the imhoff tanks, sludge drying beds and appurtenances with a fence with lockable gates at all access points, as required by 30 TEX. ADMIN. CODE § 317.7(e); and
    - iii. Initiate a maintenance program to maintain the general appearance of the system's facilities and equipment that includes connecting the generator utilized as the Facility's auxiliary power facility to the system, remove the vegetation in the sludge drying beds, provide tools that are necessary to maintain the imhoff tanks, remove the bulking sludge from the first stabilization pond and remove all tall vegetation from the Facility, as required by 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 10383-001, Operational Requirement No. 1.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 90 days after the effective date of this Agreed Order, comply with the permitted limits of TPDES Permit No. 10383-001, Final Effluent Limitations and Monitoring Requirements Nos. 3 and 6.
  - d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
4. It is further ordered that the City shall undertake the following technical requirements at the Application Site:
- a. Immediately upon the effective date of this Agreed Order, cease all unauthorized discharges of water treatment plant sludge at the Application Site.
  - b. Within 30 days after the effective date of this Agreed Order, begin maintaining records of the amount of sludge being applied to the beneficial land use site and begin submitting an annual report by September 1 of each year that includes the registration number of the disposal facility and the amount of sludge that has been disposed of on the site, as required by 30 TEX. ADMIN. CODE § 312.123 and TCEQ Sludge Registration No. 730055, Standard Provision No. V.C.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in paragraph 5 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 4.a and 4.b.
5. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification, along with all supporting documentation, shall be submitted to:

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

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118

6. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
7. 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.
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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
9. 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.
10. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Bangerter Penland

For the Executive Director

2/27/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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.

Bethel Henslee

Signature

1-8-08

Date

Bethel B Henslee

Name (Printed or typed)

Mayor

Title

Authorized representative of  
City of Wolfe City