

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1240-PWS-E **TCEQ ID:** RN101391969 **CASE NO.:** 34352  
**RESPONDENT NAME:** City of Forest Hill

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Forest Hill Public Water Supply, 3415 Horton Road, Forest Hill, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890;  Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Nader Jeri, Director of City Services, City of Forest Hill, 3415 Horton Road, Forest Hill, Texas 76119  Mr. David Miller, City Manager, City of Forest Hill, 3415 Horton Road, Forest Hill, Texas 76119  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 13, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 30, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Four violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to compile a plant operations manual [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>2) Failed to provide a production capacity of at least of 0.6 gallons per minute ("GPM") per connection [30 TEX. ADMIN. CODE § 290.45(f)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>3) Failed to have a customer service inspection program for the water system [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>4) Failed to compile a monitoring plan for the water system [30 TEX. ADMIN. CODE § 290.121(a)].</p>	<p><b>Total Assessed:</b> \$950</p> <p><b>Total Deferred:</b> \$190  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$760</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input 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 City has implemented the following corrective measures at the Facility:</p> <p>a. Developed and began implementing a customer service inspection program for the water system on August 6, 2007;</p> <p>b. Provided a production capacity of at least of 0.6 GPM per connection on August 7, 2007;</p> <p>c. Developed and began implementing a monitoring plan for the water system on August 10, 2007; and</p> <p>d. Developed a plant operations manual on August 17, 2007.</p>

Additional ID No(s): PWS 2200011



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

<b>DATES</b>	Assigned	30-Jul-2007	Screening	31-Jul-2007	EPA Due	
	PCW	2-Aug-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Forest Hill		
Reg. Ent. Ref. No.	RN101391969		
Facility/Site Region	4-Fort Worth	Major/Minor Source	Major

<b>CASE INFORMATION</b>				
Enf./Case ID No.	34352	No. of Violations	4	
Docket No.	2007-1240-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Jorge Ibarra, P.E.	
Multi-Media		EC's Team	EnforcementTeam 3	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

<b>Penalty Calculation Section</b>				
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>		<b>Subtotal 1</b>	\$1,000	
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>				
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>				
<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$50	
Notes	The Respondent was issued one NOV with the same/similar type of violations.			
<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
Notes	The Respondent does not meet the culpability criteria.			
<b>Good Faith Effort to Comply</b>	10% Reduction	<b>Subtotal 5</b>	\$100	
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		X		
N/A		(mark with x)		
Notes	The Respondent achieved full compliance on August 17, 2007.			
		0% Enhancement*	<b>Subtotal 6</b>	\$0
	Total EB Amounts	\$13	*Capped at the Total EB \$ Amount	
	Approx. Cost of Compliance	\$3,500		
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	\$950	
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0	
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>				
Notes				
		<b>Final Penalty Amount</b>	\$950	
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$950	
<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$190	
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>				
Notes	Deferral offered for expedited settlement.			
<b>PAYABLE PENALTY</b>			\$760	

**Screening Date** 31-Jul-2007

**Docket No.** 2007-1240-PWS-E

**PCW**

**Respondent** City of Forest Hill

Policy Revision 2 (September 2002)

**Case ID No.** 34352

PCW Revision June 26, 2007

**Reg. Ent. Reference No.** RN101391969

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Jorge Ibarra, P.E.

**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> )	1	5%
	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)** 5%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent was issued one NOV with the same/similar type of violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b> 31-Jul-2007	<b>Docket No.</b> 2007-1240-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Forest Hill		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 34352		<small>PCW Revision June 26, 2007</small>
<b>Reg. Ent. Reference No.</b> RN101391969		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(l)	
<b>Violation Description</b>	Failed to compile a plant operations manual.	
	<b>Base Penalty</b>	\$1,000

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate		Minor
	<input type="checkbox"/>	x	<input type="checkbox"/>		<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="25%"/>	
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**Adjustment**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="1"/>	Number of violation days
<small>mark only one with an x</small> daily <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> semiannual <input type="checkbox"/> annual <input type="checkbox"/> single event <input checked="" type="checkbox"/>		<b>Violation Base Penalty</b> <input type="text" value="\$250"/>

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$238"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$238"/>	

## Economic Benefit Worksheet

**Respondent** City of Forest Hill  
**Case ID No.** 34352  
**Reg. Ent. Reference No.** RN101391969  
**Media** Public Water Supply  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	13-Jul-2007	17-Aug-2007	0.1	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to compile a plant operations manual for the water system. Date Required is the investigation date, Final Date is the compliance date.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

<b>Screening Date</b> 31-Jul-2007	<b>Docket No.</b> 2007-1240-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Forest Hill	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34352	<i>PCW Revision June 26, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101391969		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.45(f)(4) and Tex. Health &amp; Safety Code § 341.0315(c)"/>	
<b>Violation Description</b>	<input 1,846.875="" 2,477.4="" 25.45%="" and="" connection.="" deficient."="" gpm="" gpm")="" gpm,="" is="" only="" per="" provide="" provides="" required="" specifically,="" system="" the="" to="" type="text" value="Failed to provide a production capacity of at least 0.6 gallons per minute (" which=""/>	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	<b>Actual</b>	<input type="text"/>	<input type="text"/>		<input type="text"/>
<b>Potential</b>	<input type="text"/>	x	<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>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$7"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$238"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$238"/>	

## Economic Benefit Worksheet

**Respondent** City of Forest Hill  
**Case ID No.** 34352  
**Reg. Ent. Reference No.** RN101391969  
**Media** Public Water Supply  
**Violation No.** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	13-Jul-2007	7-Aug-2007	0.1	\$7	n/a	\$7

**Notes for DELAYED costs** Estimated cost to provide the required system capacity. Date Required is the investigation date, Final Date is the compliance date.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$7

<b>Screening Date</b> 31-Jul-2007	<b>Docket No.</b> 2007-1240-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Forest Hill	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 34352	<small>PCW Revision June 26, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101391969		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Jorge Ibarra, P.E.		
<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(j)	
<b>Violation Description</b>	Failed to have a customer service inspection program for the water system.	
<b>Base Penalty</b>		\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate		Minor
	<input type="text"/>	x	<input type="text"/>		<input type="text"/>
				<b>Percent</b> <input style="width:50px;" type="text" value="25%"/>	
<b>Matrix Notes</b>	100% of the rule requirement was not met.				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

**Violation Base Penalty**

One single event is recommended.

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

<b>Estimated EB Amount</b> <input style="width:150px;" type="text" value="\$2"/>	<b>Violation Final Penalty Total</b> <input style="width:100px;" type="text" value="\$238"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width:100px;" type="text" value="\$238"/>	

## Economic Benefit Worksheet

**Respondent** City of Forest Hill  
**Case ID No.** 34352  
**Reg. Ent. Reference No.** RN101391969  
**Media** Public Water Supply  
**Violation No.** 3

<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
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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)	\$500	13-Jul-2007	6-Aug-2007	0.1	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to compile a customer service inspection program for the water system. Date Required is the investigation date, Final Date is the compliance date.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

**Screening Date** 31-Jul-2007

**Docket No.** 2007-1240-PWS-E

**PCW**

**Respondent** City of Forest Hill

*Policy Revision 2 (September 2002)*

**Case ID No.** 34352

*PCW Revision June 26, 2007*

**Reg. Ent. Reference No.** RN101391969

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Jorge Ibarra, P.E.

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>
<b>Matrix Notes</b> <input type="text" value="100% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

<i>mark only one with an 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="checkbox"/>

**Violation Base Penalty**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent:** City of Forest Hill  
**Case ID No.:** 34352  
**Reg. Ent. Reference No.:** RN101391969  
**Media:** Public Water Supply  
**Violation No.:** 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
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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)	\$500	13-Jul-2007	10-Aug-2007	0.1	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to compile a monitoring plan for the water system. Date Required is the investigation date, Final Date is the compliance date.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$2

## Compliance History

Customer/Respondent/Owner-Operator:	CN600242986 City of Forest Hill	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN101391969 CITY OF FOREST HILL	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	2200011 2200011
Location:	3415 HORTON RD, FOREST HILL, TX, 76119		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	July 31, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 31, 2002 to July 31, 2007		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |  |
|---|------------|----------|--|
| 1 | 08/27/2002 | (4206)   |  |
| 2 | 10/19/2006 | (514899) |  |
| 3 | 03/29/2007 | (542054) |  |
| 4 | 07/26/2007 | (567724) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |                 |       |
|--------------|---|-----------------|-------|
| Date:        | 10/17/2006  | (514899)        |       |
| Self Report? | NO  | Classification: | Major |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(e)(1)(C)  |                 |       |
| Description: | Failure by the regulated entity, which serves more than 1,000 connections, to employ at least two Class "C" certified operators.  |                 |       |
| Self Report? | NO  | Classification: | Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.42(l)  |                 |       |
| Description: | Failure to compile a plant operations manual for the water system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.   |                 |       |
| Self Report? | NO  | Classification: | Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.43(c)(1)   |                 |       |
| Description: | Failure to maintain screens on vent of ground storage tank, specifically concrete tank's vents had rusted and needed to be replaced.  |                 |       |
| Self Report? | NO  | Classification: | Minor |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.43(c)(3)   |                 |       |
| Description: | Failure to maintain overflow on North elevated storage tank, specifically the overflow is located in the ground, it is inundated in sand, dirt, and rocks, and does not have a cover. |                 |       |
| Self Report? | NO  | Classification: | Minor |

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
 Description: Failure to provide an adequate water level indicator on elevated storage tanks, specifically the indicator only reads in "psi" not calibrated in feet of water.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)  
 Description: Failure to maintain North Elevated storage tank against leakage, specifically valve was leaking.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
 Description: Failure to install backflow prevention assemblies within the distribution system to protect the water system, specifically the 3 carwashes, dental, and veterinary clinics.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)  
 Description: Failure to provide an adequate contract which authorizes daily purchase rate specified in the contract, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system must be at least 0.6 gpm per connection, specifically the water system is required 2,477  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
 Description: Failure to have a customer service inspection program for the water system.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 Description: Failure to inspect the ground storage and elevated storage tanks and record results at least annually.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)  
 Description: Failure to have water system's ownership sign posted at Griggs well site.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
 Description: Failure to compile a monitoring plan for the water system. Retain the completed plan and make it available for review by agency personnel at the time of the annual survey.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
 Description: Failure to record the dates of monthly dead-end flushing for the water system.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)(1)(A)  
 Description: Failure to develop a drought contingency plan for the water system. Retain the completed reports and make it available for review by agency personnel at the time of the annual survey.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)  
 Description: Failure to maintain an intruder resistant fences about the facilities, specifically loose barb wires and fences not low enough to surface of ground.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF FOREST HILL  
RN101391969**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1240-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The City owns and operates a public water supply located at 3415 Horton Road in Forest Hill, Tarrant County, Texas (the "Facility") that has approximately 4,129 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about August 4, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Nine Hundred Fifty Dollars (\$950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Hundred Sixty Dollars (\$760) of the administrative penalty and One Hundred Ninety Dollars (\$190) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all



requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. Developed and began implementing a customer service inspection program for the water system on August 6, 2007;
  - b. Provided a production capacity of at least of 0.6 gallons per minute ("GPM") per connection on August 7, 2007;
  - c. Developed and began implementing a monitoring plan for the water system on August 10, 2007; and
  - d. Developed a plant operations manual on August 17, 2007.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to compile a plant operations manual, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on July 13, 2007.
2. Failed to provide a production capacity of at least of 0.6 GPM per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 13, 2007.



3. Failed to have a customer service inspection program for the water system, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during an investigation conducted on July 13, 2007.
4. Failed to compile a monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on July 13, 2007.

### **III. DENIALS**

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

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Forest Hill, Docket No. 2007-1240-PWS-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

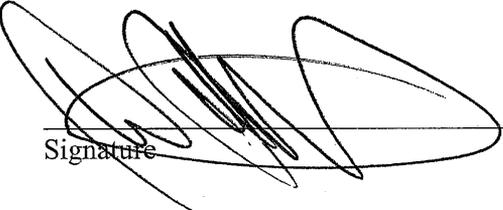
\_\_\_\_\_  
Date 1/11/08

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date October 2, 2007

\_\_\_\_\_  
David Miller  
Name (Printed or typed)  
Authorized Representative of  
City of Forest Hill

\_\_\_\_\_  
City Manager  
Title

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

