

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1086-PWS-E **TCEQ ID:** RN101385128 **CASE NO.:** 34105

RESPONDENT NAME: City of Jayton

ORDER TYPE:		
<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"/> IMMEDIATE AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: City of Jayton, three miles west of Jayton on Farm-to-Market Road 1083, Kent County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Albert Brown, Mayor, City of Jayton, P.O. Box 46, Jayton, Texas 79528 Mr. Frank Harrison, Water Superintendent, City of Jayton, P.O. Box 46, Jayton, Texas 79528 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 21, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to receive written approval from the Commission prior to utilizing water that does not meet the secondary constituent levels for public drinking water [30 TEX. ADMIN. CODE § 290.118(a) and (b) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to maintain records regarding the installation and testing of all backflow prevention assemblies in the water system and to make those records available to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(vi)].</p> <p>3) Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of well numbers 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failed to provide a water level indicator on the 55,000 gallon elevated storage tank [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>5) Failed to submit a Disinfectant Level Quarterly Report ("DLQR") to the Commission by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.46(f)(4)].</p> <p>6) Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that is readily accessible and</p>	<p>Total Assessed: \$3,121</p> <p>Total Deferred: \$624 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,497</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order:</p> <p>i) Begin monitoring the disinfectant residuals daily;</p> <p>ii) Begin compiling and maintaining Disinfectant Level Quarterly Reports that are submitted to the Commission by the tenth day of the month following the end of each quarter;</p> <p>iii) Begin completing and maintaining all customer service inspection reports that are required for all new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities; and</p> <p>iv) Begin maintaining records regarding the installation and testing of all backflow prevention assemblies in the water system so that all backflow prevention records are available to Commission personnel at the time of the investigations.</p> <p>b) Within 30 days after the effective date of this Agreed Order:</p> <p>i) Submit written certification as detailed in Ordering Provision g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.; and</p> <p>ii) Provide full-face SCBA or supplied air respirator so that it is readily accessible and immediately available in the event of an emergency.</p> <p>c) Within 60 days after the effective date of this Agreed Order:</p> <p>i) Submit written certification as detailed in Ordering Provision g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to</p>

<p>immediately available in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].</p> <p>7) Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(5)(B)].</p> <p>8) Failed to maintain records of all Customer Service Inspection reports required to be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv)].</p> <p>9) Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p>		<p>demonstrate compliance with Ordering Provision b.ii.;</p> <p>ii) Provide the elevated storage tank with a water level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43; and</p> <p>iii) Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.</p> <p>d) Within 90 days after the effective date of this Agreed Order,</p> <p>i) Submit written certification as detailed in Ordering Provision g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.ii. and c.iii.; and</p> <p>ii) Secure a sanitary control easement covering all property within 150 feet of each well location from adjacent landowners and record the easements in the deed records at the county courthouse.</p> <p>e) Within 105 days after the effective date of this Agreed Order, submit written certification as detailed in Ordering Provision g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d.ii.</p> <p>f) Within 365 days after the effective date of this Agreed Order, ensure that the water delivered to the distribution system meets the Commission's minimum standards for sulfates and total dissolved solids.</p> <p>g) Within 385 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision f. The certification shall be notarized by a State of Texas Notary Public.</p>
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Additional ID No(s): PWS 1320001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned PCW	25-Jun-2007	Screening	3-Jul-2007	EPA Due	
		6-Jul-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Jayton		
Reg. Ent. Ref. No.	RN101385128		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34105	No. of Violations	9
Docket No.	2007-1086-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

0% Enhancement* **Subtotal 6**

Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

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

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

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

Notes

PAYABLE PENALTY

Screening Date 3-Jul-2007

Docket No. 2007-1086-PWS-E

PCW

Respondent City of Jayton

Policy Revision 2 (September 2002)

Case ID No. 34105

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101385128

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes
 The Respondent was issued one Agreed Order (2001-0983-PWS-E) and one Notice of Violation ("NOV") for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34105		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	1	
Rule Cite(s)	30 Tex.Admin. Code § 290.118(a) and (b) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to receive written approval from the Commission prior to utilizing water that does not meet the secondary constituent levels for public drinking water. Specifically, the maximum secondary constituent levels ("SCLs") of 300 milligrams per liter ("mg/L") for sulfates and 1,000 mg/L for total dissolved solids were exceeded when a chemical analysis performed on January 2, 2007 found a concentration of 705 mg/L for sulfates and 1,620 mg/L for total dissolved solids.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent
					10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0%
Matrix Notes	Distribution of water exceeding SCLs has resulted in exposure to an insignificant amount of pollutants which do not exceed health-based standards.				
					Adjustment
					\$900

\$100

Violation Events

Number of Violation Events 1 82 Number of violation days

<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation April 12, 2007, to the date of screening, July 3, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$150	Violation Final Penalty Total \$133
This violation Final Assessed Penalty (adjusted for limits) \$133	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)	\$1,000	2-Jan-2007	31-Dec-2009	3.0	\$150	n/a	\$150

Notes for DELAYED costs

Estimated cost to provide treatment to reduce the concentrations of sulfate and total dissolved solids in the water supply and to perform a feasibility study to evaluate alternate sources of water, calculated from the date the exceedances were discovered to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$150

Screening Date	3-Jul-2007	Docket No.	2007-1086-PWS-E	PCW
Respondent	City of Jayton			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34105			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN101385128			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Tel Croston			
Violation Number	<input type="text" value="2"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(vi)"/>			
Violation Description	<input type="text" value="Failed to maintain records regarding the installation and testing of all backflow prevention assemblies in the water system and to make those records available to Commission personnel at the time of the investigation."/>			
		Base Penalty	<input type="text" value="\$1,000"/>	

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

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

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$10"/>	Violation Final Penalty Total <input type="text" value="\$398"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$398"/>	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 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
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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	\$200	12-Apr-2007	30-Mar-2008	1.0	\$10	n/a	\$10
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to create a backflow prevention assembly installation and record keeping program, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34105		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	3	
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)	
Violation Description	Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of well numbers 1 and 2.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
Potential			x	Percent	5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0%

Matrix Notes Failure to obtain a sanitary control easement could expose customers of the water supply to an insignificant amount of pollutants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 82 Number of violation days

	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each well.

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

Estimated EB Amount \$14 **Violation Final Penalty Total** \$133

This violation Final Assessed Penalty (adjusted for limits) \$133

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Apr-2007	30-Mar-2008	1.0	\$1	\$13	\$14
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to obtain sanitary control easements for wells 1 and 2 or exceptions to the easement requirement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$14

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34105		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(4)	
Violation Description	Failed to provide a water level indicator on the 55,000 gallon elevated storage tank.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm					
	Release	Major	Moderate		Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	x	Percent	5%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent	0%

Matrix Notes
 Without a proper water level indicator on the ground storage tank, the water system will be unable to compile the necessary water usage data and the system's ability to provide a safe and adequate water supply could be compromised.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 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	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$62"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$66"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$66"/>	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	12-Apr-2007	28-Feb-2008	0.9	\$3	\$59	\$62
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

The delayed cost includes the amount to purchase and install a proper water level indicator for the ground storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$62

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34105		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	<input type="text" value="5"/>	
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(4)"/>	
Violation Description	<input at="" by="" commission="" day="" dlqr="" dlqr")="" documented="" each="" end="" following="" investigation,="" investigator="" month="" no="" of="" provided."="" quarter.="" reports="" specifically,="" tenth="" that="" the="" time="" to="" type="text" value="Failed to submit a Disinfectant Level Quarterly Report (" were=""/>	
	Base Penalty	<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

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

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$133"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$133"/>	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$50	12-Apr-2007	31-Jan-2008	0.8	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to submit quarterly Disinfectant Level Operating Reports to the Commission, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34105		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(A)	
Violation Description	Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that is readily accessible and immediately available in the event of an emergency.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes Failure to have a full-face SCBA or supplied air respirator available for operator use could result in the operators being exposed to significant amounts of chlorine gas which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 82 Number of violation days

<small>mark only one with an x</small>	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

Three monthly events are recommended from the date of the investigation, April 12, 2007, to the date of screening, July 3, 2007.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount \$113	Violation Final Penalty Total \$996
--	--

This violation Final Assessed Penalty (adjusted for limits) \$996

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 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
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Delayed Costs

Equipment	\$2,000	12-Apr-2007	31-Jan-2008	0.8	\$5	\$107	\$113
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 of a full-face SCBA or supplied air respirator that meets OSHA standards, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$113

Screening Date 3-Jul-2007

Docket No. 2007-1086-PWS-E

PCW

Respondent City of Jayton

Policy Revision 2 (September 2002)

Case ID No. 34105

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101385128

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of violation days

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

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 Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
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)				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	12-Apr-2007	31-Dec-2007	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

Estimated cost to perform disinfectant residual tests at least once a day, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$12

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34105		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	8	
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(3)(E)(iv)	
Violation Description	Failed to maintain records of all Customer Service Inspection reports required to be completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment

\$100

Violation Events

Number of violation days

	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$24"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$133"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$133"/>	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$600	12-Apr-2007	31-Jan-2008	0.8	\$24	n/a	\$24
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 establish a customer service inspection program and to begin maintaining records for that program, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$24

Screening Date 3-Jul-2007	Docket No. 2007-1086-PWS-E	PCW
Respondent City of Jayton		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34105		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN101385128		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number	9	
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)	
Violation Description	Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Failed to comply with 100% of the rule requirement.

Adjustment

\$100

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$9"/>	Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$133"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$133"/>	

Economic Benefit Worksheet

Respondent City of Jayton
Case ID No. 34105
Reg. Ent. Reference No. RN101385128
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$200	12-Apr-2007	28-Feb-2008	0.9	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to compile a plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Compliance History

Customer/Respondent/Owner-Operator:	CN600337935	City of Jayton	Classification: AVERAGE	Rating: 2.67
Regulated Entity:	RN101385128	CITY OF JAYTON	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		1320001 1320001
Location:	THREE MILES WEST OF JAYTON ON FARM-TO-MARKET 1083 , KENT COUNTY, TEXAS			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	June 28, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 28, 2002 to June 28, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston		Phone:	239-5717

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.

Effective Date: 08/22/2002

ADMINORDER 2001-0983-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to provide two or more pumps with a total capacity of 2.0 gallons per minute (gpm) per connection or a total capacity of 1000 gpm with the ability to meet peak hourly demand with the largest pump out of service, whichever is less.

Classification: Moderate

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

Description: Failure to provide adequate plumbing ordinance or service agreement.

Classification: Moderate

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

Description: Failure to conduct customer service inspections.

Classification: Moderate

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

Description: Failure to provide a properly sized concrete sealing block around well casing.

Classification: Moderate

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

Description: Failure to provide a properly sealed wellhead on the west well.

Classification: Moderate

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

Description: Failure to provide an 18 inch casing on the wellheads.

Classification: Moderate

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

Description: Failure to provide properly maintained intruder-resistant fence around the wells.

Classification: Moderate

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

Description: Failure to provide a conduit for the electrical wiring at the west well.

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

N/A

- C. Chronic excessive emissions events.

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

1 04/12/2004 (268948)
2 11/04/2004 (336269)
3 06/18/2007 (556732)

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

1 Date 04/09/2004 (268948)

Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	FAILURE TO COMPLETE SYSTEM MONITORING PLAN.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	FAILURE TO PROVIDE CERTIFIED PERSONNEL FOR CUSTOMER SERVICE INSPECTIONS.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.118(a)		
Description:	FAILURE TO MEET SECONDARY CONSTITUENT LEVEL FOR SULFATE AND TDS.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(I)		
Description:	FAILURE TO INSTALL AND TEST BACKFLOW PREVENTION DEVICES.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	FAILURE TO OBTAIN SANITARY EASEMENTS FOR GROUNDWATER		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)		
Description:	FAILURE TO CONDUCT DAILY DISINFECTANT RESIDUAL MONITORING.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)		
Description:	FAILURE TO PROVIDE SELF CONTAINED BREATHING APPARATUS.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	FAILURE TO MAINTAIN OVERFLOW ON GROUND STORAGE TANK.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	FAILURE TO PROVIDE WATER LEVEL INDICATOR FOR WATER STORAGE FACILITY.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	FAILURE TO PROVIDE THREE STRANDS OF BARBED WIRE ON FENCING.		

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 JAYTON
RN101385128

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1086-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 Jayton ("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 three miles west of Jayton on Farm-to-Market Road 1083 in Kent County, Texas (the "Facility") that has approximately 300 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 June 26, 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 Three Thousand One Hundred Twenty-One Dollars (\$3,121) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Two Thousand Four Hundred Ninety-Seven Dollars (\$2,497) of the administrative penalty and Six Hundred Twenty-Four Dollars (\$624) 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 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.
9. 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.
10. 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 receive written approval from the Commission prior to utilizing water that does not meet the secondary constituent levels for public drinking water, in violation of 30 TEX. ADMIN. CODE § 290.118(a) and (b) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on April 12, 2007.
2. Failed to maintain records regarding the installation and testing of all backflow prevention assemblies in the water system and to make those records available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(vi), as documented during a record review conducted on April 12, 2007.
3. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of well numbers 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) as documented during a record review conducted on April 12, 2007.
4. Failed to provide a water level indicator on the 55,000 gallon elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4) as documented during a record review conducted on April 12, 2007.
5. Failed to submit a Disinfectant Level Quarterly Report ("DLQR") to the Commission by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(4), as documented during a record review conducted on April 12, 2007.

6. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that is readily accessible and immediately available in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A), as documented during a record review conducted on April 12, 2007.
7. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(B), as documented during a record review conducted on April 12, 2007.
8. Failed to maintain records of all Customer Service Inspection reports required to be completed prior to providing continuous water service to new construction, on any existing service when the water purveyor has reason to believe that cross-connections or other potential contamination hazards exist or after any material improvement, correction, or addition to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv), as documented during a record review conducted on April 12, 2007.
9. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during a record review conducted on April 12, 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 Jayton, Docket No. 2007-1086-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin monitoring the disinfectant residuals daily, as required by 30 TEX. ADMIN. CODE § 290.110;

...the ... of ...

- ii. Begin compiling and maintaining Disinfectant Level Quarterly Reports that are submitted to the Commission by the tenth day of the month following the end of each quarter, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iii. Begin completing and maintaining all customer service inspection reports that are required for all new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contamination hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Begin maintaining records regarding the installation and testing of all backflow prevention assemblies in the water system so that all backflow prevention records are available to Commission personnel at the time of the investigations, as required by 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective date of this Agreed Order:
- i. Submit written certification as detailed in Ordering Provision 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision, 2.a.; and
 - ii. Provide full-face SCBA or supplied air respirator so that it is readily accessible and immediately available in the event of an emergency, as required by 30 TEX. ADMIN. CODE § 290.42.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification as detailed in Ordering Provision 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.b.ii.;
 - ii. Provide the elevated storage tank with a water level indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42.
- d. Within 90 days after the effective date of this Agreed Order,
- i. Submit written certification as detailed in Ordering Provision 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision, 2.c.ii. and 2.c.iii.; and
 - ii. Secure a sanitary control easement covering all property within 150 feet of each well location from adjacent landowners and record the easements in the deed records at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41.

- e. Within 105 days after the effective date of this Agreed Order, submit written certification as detailed in Ordering Provision 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision, 2.d.ii.
- f. Within 365 days after the effective date of this Agreed Order, ensure that the water delivered to the distribution system meets the Commission's minimum standards for sulfates and total dissolved solids, as required by 30 TEX. ADMIN. CODE § 290.118.
- g. Within 385 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision, 2.f. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/4/2008

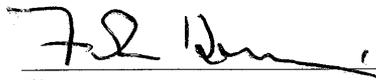
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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

10-24-07

Date

Frank Harrison

Name (Printed or typed)
Authorized Representative of
City of Jayton

10-24-07 Water Superintendent

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.

