

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0683-PWS-E TCEQ ID: RN101388932 CASE NO.: 29730
RESPONDENT NAME: CITY OF GATESVILLE

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
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: 110 North 8th Street, Gatesville, Coryell County</p> <p>TYPE OF OPERATION: Public water system</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 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Water Enforcement Section, MC R-13, (210) 490-3096 TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001 Respondent: The Honorable David Byrom, Mayor of City of Gatesville, 110 North 8th Street, Gatesville, Texas 76528 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:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: February 17, 2006</p> <p>Date of NOE Relating to this Case: April 14, 2006</p> <p>Background Facts:</p> <p>A settlement agreement was reached with the Respondent, and a signed Agreed Order was received on November 9, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PWS</p> <ol style="list-style-type: none"> Failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings and failed to provide containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(D), 290.42(f)(1)(E)(ii), and 290.42(f)(1)(E)(ii)(IV)]. Failed to provide an overflow pipe flap valve assembly with a mechanical seal with a gap of no more than 1/16 of an inch [30 TEX. ADMIN. CODE § 290.43(c)(3)]. Failed to provide a positive roof hatch seal/gasket on the filter backwash tank and clearwell in order to prevent insects and other possible contaminants from entering the system [30 TEX. ADMIN. CODE § 290.43(c)(2)]. Failed to identify the chemical feed lines either by the use of labels or various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)]. Failed to maintain the water storage and pressure maintenance facilities and related appurtenances in watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)]. 	<p>Total Assessed: \$7,553</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$7,553</p> <p>Total Due to General Revenue: \$0</p> <p>The administrative penalty of \$7,553 shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A of the Agreed Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>Three repeated enforcement actions over the prior five year period for the same violation or a substantial history of the same violation entity-wide.</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> On February 17, 2006, began properly storing their dry chemicals, including calcium hypochlorite. On March 4, 2006, installed a new gasket on the overflow valve assembly. On March 18, 2006, installed a new gasket on the clearwell hatch cover. On June 6, 2006, color coded and labeled all chemical pipes. On March 15, 2006, repaired the valve on the elevated tank No. 5, and replaced and calibrated the turbidity meter on filter No. 3 on June 26, 2006. On June 26, 2006, calibrated the flow meter at the intake on Lake Belton. On September 19, 2007, installed an atmospheric vacuum breaker. On March 31, 2006, repaired an intruder resistant fence at the Warehouse on 23rd Street. On March 31, 2006, posted a new sign on the South Mountain storage tank. On September 19, 2007, equipped each filter with a manually adjustable rate-of-flow controller. <p>Technical Requirement(s)</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Within 45 days, submit written certification of compliance with the above Ordering Provision and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance. Within 90 days: <ol style="list-style-type: none"> Provide containment facilities for all liquid chemical storage tanks; and Provide raw water capacity of 0.6 GPM per connection with the largest pump out of service.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6. Failed to calibrate flow measuring devices at least once every twelve months [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>7. Failed to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the supply line for the surface filter wash system [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vi)].</p> <p>8. Failed to provide a properly constructed intruder-resistant fence around the City warehouse elevated storage tank [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>9. Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>10. Failed to post in plain view a legible sign with the water supply name and an emergency phone number [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>11. Failed to equip each filter with manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators [30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i)].</p> <p>12. Failed to provide raw water capacity of 0.6 gallons per minute (GPM) per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A)].</p>		<p>4. Within 105 days, submit written certification of compliance with Ordering Provision 3.a. and 3.b. and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p> <p>5. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (see Attachment A).</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	30-May-2006	Screening	07-Jun-2006	EPA Due	
	PCW	02-May-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Gatesville		
Reg. Ent. Ref. No.	RN101388932		
Facility/Site Region	9-Waco	Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	29730	No. of Violations	12
Docket No.	2006-0683-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

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**

23% Enhancement

Notes

Culpability **Subtotal 4**

No

Notes

Good Faith Effort to Comply **Subtotal 5**

0% Reduction

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

Notes

Economic Benefit **Subtotal 6**

0% Enhancement*

Total EB Amounts	\$1,325
Approx. Cost of Compliance	\$16,450

*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**

0% Reduction

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

Notes

PAYABLE PENALTY

Screening Date 07-Jun-2006
Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

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

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)	3	15%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

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

Screening Date

PCW\2006-0683-PWS-E-revised\LD-ccp-City of Gatesville.qpw
07-Jun-2006

Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW, Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.42(f)(1)(D), 290.42(f)(1)(E)(ii) and 290.42(f)(1)(E)(ii)(IV)

Secondary Rule Cite(s)

Violation Description

Failure to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings. Specifically, the investigator observed that calcium hypochlorite was being stored on the floor. Failure to provide containment facilities for all liquid chemical storage tanks. Specifically, four drums of polyphosphate were stored outside with no secondary containment. Also, incompatible chemicals such as sodium hydroxide and hydrofluorosilicic acid were stored within the same containment structure.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to store dry chemicals off the floor in a dry room and failure to provide secondary containment facilities could expose human health or the environment to pollutants which would exceed levels that are protective of human health and environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Four monthly events are recommended based on documentation of the violation during the February 17, 2006 investigation, to the June 7, 2006 screening date.

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 Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$3,000	17-Feb-2006	06-Apr-2007	1.1	\$11	\$226	\$238
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	16-Feb-2006	17-Feb-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to provide secondary containment facilities. Date Required is the date of the investigation. Final Date (April 6, 2007) is the estimated date of compliance. Estimated cost to store dry chemicals off the floor in a dry room. Date Required is one day prior to the investigation date. Final Date (February 17, 2006) is the date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$3,050**

TOTAL **\$238**

Screening Date

PCW\2006-0683-PWS-E-revised\LD-qcp-City of Gatesville.gpw
07-Jun-2006

Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

2

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(3)

Secondary Rule Cite(s)

Violation Description

Failure to provide an overflow pipe flap valve assembly with a mechanical seal with a gap of no more than 1/16 inch. Specifically, the filter backwash tank flap did not seal tightly.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent
Matrix Notes	Failing to provide a proper seal on the filter backwash tank could expose the water source to contaminants which would not exceed protective levels.					

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$123

This violation Final Assessed Penalty (adjusted for limits) \$123

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	17-Feb-2006	04-Mar-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to repair/replace the seal on the backwash tank. Date Required is the date of the investigation. Final Date is the date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 07-Jun-2006

PCW\2006-0683-PWS-E-revised\LD-ccp-City of Gatesville.dpw
Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

Secondary 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"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
<input type="text" value="Failure to provide a proper roof hatch seal could expose the water system to pollutants which would not exceed levels that are protective of human health."/>	<input type="text"/>				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input checked="" type="checkbox"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<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 Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	17-Feb-2006	18-Mar-2006	0.1	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a positive roof hatch seal/gasket. Date Required is the date of the investigation. Final Date is the date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **TOTAL**

Screening Date

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to identify the chemical feed lines either by the use of labels or various colors of paint. Specifically, the investigator observed that the chlorine dioxide and phosphate lines were not properly labeled or color coded.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two quarterly events are recommended from the investigation date, February 17, 2006, to the date of compliance, June 6, 2006.

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 Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] 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	Percent Interest		Years of Depreciation	
						One-time Costs	EB Amount		
Delayed Costs									
Equipment				0.0	\$0	\$0		\$0	\$0
Buildings				0.0	\$0	\$0		\$0	\$0
Other (as needed)				0.0	\$0	\$0		\$0	\$0
Engineering/construction				0.0	\$0	\$0		\$0	\$0
Land				0.0	\$0	n/a		\$0	\$0
Record Keeping System				0.0	\$0	n/a		\$0	\$0
Training/Sampling				0.0	\$0	n/a		\$0	\$0
Remediation/Disposal				0.0	\$0	n/a		\$0	\$0
Permit Costs				0.0	\$0	n/a		\$0	\$0
Other (as needed)	\$100	17-Feb-2005	06-Jun-2006	1.3	\$6	n/a		\$6	\$6

Notes for DELAYED costs: Estimated cost to properly identify the chemical feed lines. Date Required is the date of the investigation. Final Date is the date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$100**

TOTAL \$6

Screening Date 07-Jun-2006
Respondent City of Gatesville
Case ID No. 29730

Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Secondary Rule Cite(s)

Violation Description
 Failure to maintain the water storage and pressure maintenance facilities and related appurtenances in a watertight condition. Specifically, the on-line turbidimeter no. 3 and a valve on elevated tank no. 5 were observed to be leaking.

Base Penalty \$1,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes
 Failure to maintain the water storage and pressure maintenance facilities, and related appurtenances in a watertight condition could compromise the systems ability to provide a safe and adequate supply of water to the public.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 2

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

Violation Base Penalty \$200

Two single events (one per each leak) are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$2

Statutory Limit Test

Violation Final Penalty Total \$246

This violation Final Assessed Penalty (adjusted for limits) \$246

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] 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
Delayed Costs							
Equipment	\$100	17-Feb-2006	26-Jun-2006	0.4	\$0	\$2	\$2
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to maintain the water storage and pressure maintenance facilities, and related appurtenances in a watertight condition. Date Required is the date of the investigation. Final Date is the date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date

Docket No.

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

Secondary 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="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	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 Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Economic Benefit	
						Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$200	17-Feb-2005	17-Feb-2006	1.0	\$1	\$13	\$14
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to calibrate flow measuring devices. Date Required is one year prior to the investigation date. Final Date is the investigation 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

TOTAL

Screening Date

Docket No.

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

Secondary 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"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Failure to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly could expose human health or the environment to significant amounts of pollutants which would not exceed levels that are protective of human health and environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended based on documentation of the violation during the February 17, 2006 investigation, to the June 7, 2006 screening date.

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 Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] 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
Delayed Costs							
Equipment	\$500	17-Feb-2006	06-Apr-2007	1.1	\$2	\$38	\$40
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500**

TOTAL \$40

Screening Date

PCW\2006-0683-PWS-E-revised\1-D-ccp-City of Gatesville.gpw
07-Jun-2006

Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

8

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Secondary Rule Cite(s)

Violation Description

Failure to provide a properly constructed intruder-resistant fence around the City warehouse elevated storage tank. Specifically, the investigator observed that the city needs to repair/install three strands of barbed wire around the fence.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent
Matrix Notes						
By failing to provide a properly constructed intruder-resistant fence, could expose human health to insignificant amounts of pollutants which would not exceed protective levels.						

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$123

This violation Final Assessed Penalty (adjusted for limits) \$123

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] 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	Percent Interest	
						Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	17-Feb-2006	31-Mar-2006	0.1	\$0	\$4	\$4
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a properly constructed intruder-resistant fences. Date Required is the date of the investigation. Final Date is the date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500**

TOTAL \$4

Screening Date

PCW\2006-0683-PWS-E-revised\LD-ccc-City of Gatesville.gpw
07-Jun-2006

Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

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 Gatesville
 Case ID No. 29730
 Reg. Ent. Reference No. RN101388932
 Media [Statute] 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
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	17-Feb-2006	06-Jan-2007	0.9	\$9	n/a	\$9
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 update/maintain the distribution system map. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date

PCW\2006-0683-PWS-E-revised\LD-ccc-City of Gatesville.gpw
07-Jun-2006

Docket No. 2006-0683-PWS-E

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(t)

Secondary Rule Cite(s)

Violation Description

Failure to post in plain view a legible sign with the water supply name and an emergency phone number. Specifically, the sign posted at the South Mountain plant was observed to be illegible.

Base Penalty \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$250

One quarterly event is recommended from the date of the investigation, February 17, 2006, to the date of compliance, March 31, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$308

This violation Final Assessed Penalty (adjusted for limits) \$308

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$150	17-Feb-2006	31-Mar-2006	0.1	\$1	n/a	\$1

Notes for DELAYED costs: Estimated cost to provide a legible sign. Date Required is the date of the investigation. Final Date is the 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 **\$150** **TOTAL \$1**

Screening Date

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 11

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(D)(i)

Secondary Rule Cite(s)

Violation Description

Failure to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators. Specifically, it was observed that the influent filters did not have rate-of-flow controllers.

Base Penalty \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 50%
	Potential	X			

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent

Matrix Notes Failure to have rate-of-flow controls could compromise the systems ability to provide a safe and adequate supply of water to the public.

Adjustment -\$500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 4

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

Violation Base Penalty \$2,000

Four monthly events are recommended based on documentation of the violation during the February 17, 2006 investigation, to the June 7, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$102

Violation Final Penalty Total \$2,460

This violation Final Assessed Penalty (adjusted for limits) \$2,460

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,500	17-Feb-2006	06-Feb-2007	1.0	\$5	\$97	\$102
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide filters with rate-flow-controls. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,500**

TOTAL **\$102**

Screening Date

PCW

Respondent City of Gatesville

Policy Revision 2 (September 2002)

Case ID No. 29730

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101388932

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

12

Primary Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(A)

Secondary Rule Cite(s)

Violation Description

Failure to provide a raw water capacity of 0.6 gallons per minute (GPM) per connection with the largest pump out of service. Specifically, the city must provide 7,498.6 GPM and currently provides 7,200 GPM, indicating a 4% deficiency.

Base Penalty \$1,000

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

Harm

OR

Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Without sufficient raw water capacity, customers of the water system could experience outages and backflow problems potentially allowing an insignificant amount of pollutants to enter the system which would not exceed levels that are protective of human health.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event single is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$909

Violation Final Penalty Total \$123

This violation Final Assessed Penalty (adjusted for limits) \$123

Economic Benefit Worksheet

Respondent City of Gatesville
Case ID No. 29730
Reg. Ent. Reference No. RN101388932
Media [Statute] Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	17-Feb-2006	06-Jun-2007	1.3	\$43	\$866	\$909
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a raw water capacity of 0.6 gallons per minute per connection. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$10,000**

TOTAL \$909

Compliance History

Customer/Respondent/Owner-Operator:	CN600702633 City of Gatesville	Classification: AVERAGE	Rating: 2.18
Regulated Entity:	RN101388932 CITY OF GATESVILLE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0500002 0500002
Location:	110 North 8 th Street, Gatesville Texas 76528-1457		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	June 14, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 14, 2001 to June 14, 2006		

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

Name: Kent Heath Phone: (512) 239-4575

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 10/27/2005 (434529)
- 2 05/05/2003 (34700)
- 3 08/27/2004 (288869)
- 4 03/19/2003 (27555)
- 5 03/19/2003 (27614)
- 6 07/18/2005 (398599)
- 7 02/06/2003 (22766)
- 8 09/30/2005 (432546)
- 9 05/23/2006 (455858)

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

Date: 03/14/2003 (27614)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]

Description: 30 TAC Chapter 290, SubChapter D 290.46(r)
Failure to design and maintain a water distribution system to provide at all times a minimum pressure of thirty-five pounds per square inch (psi).

Date: 07/21/2005 (398599)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to meet the minimum water pressure requirement throughout the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)

Description: Failure to properly house gas chlorine cylinders.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to properly screen the ground storage tank roof vent.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to provide a lockable roof hatch for the ground storage tank.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide a cover for the overflow pipe.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)

Description: Failure to properly install all air release devices in the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)

Description: Failure to monitor the disinfectant residual at representative locations in the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence for all potable water storage tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)[G]

Description: Failure to test at least annually all backflow prevention assemblies which are installed to provide protection against health hazards.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failure to establish regulations governing the 200' restriction zone at the raw water intake.
 Date: 08/19/2005 (402589)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
 30 TAC Chapter 290, SubChapter F 290.118(b)

Description: Failure to meet the secondary constituent maximum contamination level for manganese.
 Date: 05/02/2003 (34700)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]
 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of thirty-five pounds per square inch (psi).
 Date: 09/17/2002 (9141)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]
 30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of thirty-five pounds per square inch (psi).
 Date: 02/07/2003 (22766)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to properly seal the hypochlorination solution container.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to provide a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.
Date: 08/30/2004 (288869)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failure to provide containment facilities for all liquid chemical storage tanks.

- 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 GATESVILLE;
RN101388932

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0683-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Gatesville ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and the City presented this agreement to the Commission.

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

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

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

FINDINGS OF FACT

1. The City owns and operates a public water system located at 110 North 8th Street in Gatesville, Coryell County, Texas (the "Facility") that has 8,504 wholesale service connections and 3,166 residential connections and serves at least 25 people per day for at least 60 days per year.

2. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings and failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the investigator observed that calcium hypochlorite was being stored on the floor, four drums of polyphosphate were stored outside with no secondary containment, and incompatible chemicals such as sodium hydroxide and hydrofluorosilicic acid were stored within the same containment structure.
3. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to provide an overflow pipe flap valve assembly with a mechanical seal with a gap of no more than 1/16 of an inch. Specifically, the filter backwash tank flap did not seal tightly.
4. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to provide a positive roof hatch seal/gasket on the filter backwash tank and clearwell in order to prevent insects and other possible contaminants from entering the system.
5. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to identify the chemical feed lines either by the use of labels or various colors of paint. Specifically, the investigator observed that the chlorine dioxide and phosphate lines were not properly labeled or color coded.
6. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to maintain the water storage and pressure maintenance facilities and related appurtenances in watertight condition. Specifically, the on-line turbidimeter no. 3 and a valve on elevated tank no. 5 were observed to be leaking.
7. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to calibrate flow measuring devices at least once every twelve months. Specifically, it was documented that the raw water supply meter had not been calibrated in the last twelve months.
8. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the supply line for the surface filter wash system.
9. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to provide a properly constructed intruder-resistant fence

around the City warehouse elevated storage tank. Specifically, the investigator observed that the City needs to repair/install three strands of barbed wire around the fence.

10. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
11. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to post in plain view a legible sign with the water supply name and an emergency phone number. Specifically, the sign posted on the South Mountain plant was observed to be illegible.
12. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to equip each filter with manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators. Specifically, it was observed that the influent filters did not have rate-of-flow controllers.
13. During an inspection on February 17, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to provide raw water capacity of 0.6 gallons per minute (GPM) per connection with the largest pump out of service. Specifically, the City must provide 7,498.6 GPM and currently provides 7,200 GPM, indicating a 4% deficiency.
14. The City received notice of the violations on or about April 19, 2006.
15. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. On February 17, 2006, began properly storing their dry chemicals, including calcium hypochlorite;
 - b. On March 4, 2006, installed a new gasket on the overflow valve assembly;
 - c. On March 18, 2006, installed a new gasket on the clearwell hatch cover;
 - d. On June 6, 2006, color coded and labeled all chemical pipes;
 - e. On March 15, 2006, repaired the valve on the elevated tank No. 5, and replaced and calibrated the turbidity meter on filter No. 3 on June 26, 2006;
 - f. On June 26, 2006, calibrated the flow meter at the intake on Lake Belton;

- g. On September 19, 2007, installed an atmospheric vacuum breaker;
- h. On March 31, 2006, repaired an intruder resistant fence at the Warehouse on 23rd Street;
- i. On March 31, 2006, posted a new sign on the South Mountain storage tank; and
- j. On September 19, 2007, equipped each filter with a manually adjustable rate-of-flow controller.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, the City has failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings and failed to provide containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(D), 290.42(f)(1)(E)(ii), and 290.42(f)(1)(E)(ii)(IV).
3. As evidenced by Finding of Fact No. 3, the City has failed to provide an overflow pipe flap valve assembly with a mechanical seal with a gap of no more than 1/16 of an inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
4. As evidenced by Finding of Fact No. 4, the City has failed to provide a positive roof hatch seal/gasket on the filter backwash tank and clearwell in order to prevent insects and other possible contaminants from entering the system, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
5. As evidenced by Finding of Fact No. 5, the City has failed to identify the chemical feed lines either by the use of labels or various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
6. As evidenced by Finding of Fact No. 6, the City has failed to maintain the water storage and pressure maintenance facilities and related appurtenances in watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).

7. As evidenced by Finding of Fact No. 7, the City has failed to calibrate flow measuring devices at least once every twelve months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
8. As evidenced by Finding of Fact No. 8, the City has failed to install an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the supply line for the surface filter wash system, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vi).
9. As evidenced by Finding of Fact No. 9, the City has failed to provide a properly constructed intruder-resistant fence around the City warehouse elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
10. As evidenced by Finding of Fact No. 10, the City has failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
11. As evidenced by Finding of Fact No. 11, the City has failed to post in plain view a legible sign with the water supply name and an emergency phone number, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
12. As evidenced by Finding of Fact No. 12, the City has failed to equip each filter with manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i).
13. As evidenced by Finding of Fact No. 13, the City has failed to provide raw water capacity of 0.6 gallons per minute (GPM) per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A).
14. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
15. An administrative penalty in the amount of seven thousand five hundred fifty-three dollars (\$7,553.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Seven thousand five hundred fifty-three dollars (\$7,553.00) of the administrative penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project (SEP) as defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of seven thousand five hundred fifty-three dollars (\$7,553.00) as set forth in Conclusion of Law No. 15 for violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here.
2. The City shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067 and as set forth in Conclusion of Law No. 15. Seven thousand five hundred fifty-three dollars (\$7,553.00) of the assessed administrative penalty shall be offset with the condition that the City implement and complete the SEP pursuant to the terms of the SEP as defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Gatesville; Docket No. 2006-0683-PWS-E; Enforcement ID No. 29730" 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

4. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of the Agreed Order, the City shall maintain an accurate and up-to-date map of the distribution system so that valves and mains

can be easily located during emergencies, as required by 30 TEX. ADMIN. CODE §290.46.

- b. Within 45 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with Ordering Provision No. 4.a. as described below in Ordering Provision No. 4.e.
- c. Within 90 days after the effective date of this Agreed Order, the City shall:
 - i. Provide containment facilities for all liquid chemical storage tanks, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Provide raw water capacity of 0.6 GPM per connection with the largest pump out of service, as required by 30 TEX. ADMIN. CODE § 290.45.
- d. Within 105 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with Ordering Provision No. 4.c. and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.
- e. The certifications required by Ordering Provisions Nos. 4.b and 4.d. 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

and

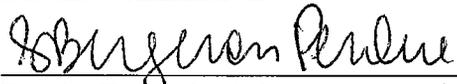
Frank Burluson, Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

5. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/2/07

Date

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

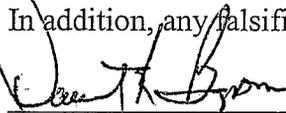
I understand that by entering into this Agreed Order, City of Gatesville waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.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

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

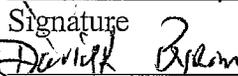
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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



Signature



Name (printed or typed)

Authorized Representative
City of Gatesville

11/5/07

Date

Mayor

Title

Attachment A

Supplemental Environmental Project

Attachment A

Docket Number: 2006-0683-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Gatesville
Penalty Amount: Seven Thousand Five Hundred Fifty-Three Dollars (\$7,553)
SEP Offset Amount: Seven Thousand Five Hundred Fifty-Three Dollars (\$7,553)
Type of SEP: Custom with Pre-approved Concept – *Antifreeze Collection Center*
Location of SEP: Coryell and Bell Counties

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall construct and operate an antifreeze collection, disposal, and recycling center that will offer to citizens of the City of Gatesville in Coryell County and citizens in the service area within Bell County a free and convenient method for disposing of used antifreeze. The Respondent shall hire a licensed waste hauler to transport and dispose of or recycle the antifreeze. The Respondent shall operate the center for a minimum of three years from the effective date of this Order, or until the SEP Offset requirement is met.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

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

B. Environmental Benefit

Antifreeze contains ethylene glycol, which is toxic to humans, pets, and wildlife when ingested or inhaled. Used antifreeze may contain heavy metals or organic compounds that can contaminate soil and groundwater when improperly disposed. Used antifreeze may also cause pass-through problems in domestic waste treatment facilities if it is disposed of through the sanitary sewer system.

Production of antifreeze from recycled materials saves resources because ethylene glycol is a petroleum industry product made from a non-renewable resource. Recycled antifreeze is less expensive to produce than new antifreeze.

This SEP will provide a discernible environmental benefit by providing a safe and convenient method for the public to dispose of used antifreeze, and prevent contamination of the environment from harmful wastes.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that performance of this SEP may cost more than the Offset Amount to complete.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this SEP. The Respondent shall begin operation of the collection center within 120 days after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of gallons of antifreeze collected;
5. Manifests or hauling receipts to indicate proper collection, disposal, or recycling of the antifreeze;
6. Map showing specific location of the collection center;
7. Photographs of the project; and
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include on the check the docket number of this Agreed Order and a note that it is for reimbursement of a SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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