

CAPTION: Docket No. 2008-0148-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Killeen in Bell County; RN101391308; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Andrea Linson-Mgbeoduru, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0148-PWS-E **TCEQ ID:** RN101391308 **CASE NO.:** 35279

RESPONDENT NAME: City of Killeen

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"/> 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: City of Killeen, 907 West Jasper Drive, Killeen, Bell 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 July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, 512-239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Timothy Hancock, Mayor, City of Killeen, P. O. Box 1239, Killeen, TX 76540 Ms. Connie J. Green, City Manager, City of Killeen, P. O. Box 1239, Killeen, TX 76540 Respondent's Attorney: Mr. Scott Osburn, Assistant City Attorney II, City of Killeen, P.O. Box 1329, Killeen, Texas 76540-1329</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 28, 2007</p> <p>Date of NOV/NOE Relating to this Case: January 18, 2008 (NOE)</p> <p>Background Facts: This was a record review to follow-up on an investigation conducted on September 26, 2007.</p> <p>WATER</p> <p>1) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment and failure to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks [30 TEX. ADMIN. CODE §§ 290.46(m) and 290.43(e)].</p> <p>2) Failure to provide a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p> <p>3) Failure to lock the roof hatch on the elevated ground storage tank located at McMillan Mountain [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>4) Failure to ensure that the discharge opening of the ground storage tank overflow terminates above the surface of the ground and is not subject to submergence [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>5) Failure to properly install an air release device with a 16-mesh or finer corrosion resistant screen as to preclude the possible entrance of contaminants [30 TEX. ADMIN. CODE § 290.42(b)(7)].</p> <p>6) Failure to maintain a record of water</p>	<p>Total Assessed: \$5,216</p> <p>Total Deferred: \$1,043 <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: \$4,173</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures as of March 24, 2008:</p> <p>a. Installed a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank;</p> <p>b. Replaced the lock hasp on the ground storage tank located at McMillan Mountain;</p> <p>c. Relocated the discharge opening of the ground storage tank overflow for Pump Station 2 so that it terminates above the surface of the ground;</p> <p>d. Installed a 16-mesh or finer corrosion-resistant screen on the air release device at the Airport Pump Station;</p> <p>e. Provided records of water works operation and maintenance activities;</p> <p>f. Installed backflow prevention assembly at the carwash located at the intersection of 4th Street and Rancier Avenue;</p> <p>g. Began monitoring the disinfectant residual at representative locations throughout the distribution system at least once daily;</p> <p>h. Began flushing dead-end mains at monthly intervals; and</p> <p>i. Began maintaining the residual disinfectant concentration in the water throughout the distribution system of at least 0.5 milligrams per liter ("mg/L") chloramine.</p> <p>Ordering Provisions:</p> <p>The Order will require to the Respondent to:</p> <p>a. Within 30 days after the effective date of the Agreed Order, relocate the discharge opening on the ground storage tank overflow at Pump Station 1 to ensure that it terminates at or above the ground surface and is not subject to submergence, in accordance with 30 TEX. ADMIN. CODE</p>

<p>works operation and maintenance activities. [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>7) Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(i) [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>8) Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once daily [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].</p> <p>9) Failure to flush dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>10) Failure to provide a purchase water rate plus a production capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(f)(4)].</p> <p>11) Failure to maintain the residual disinfectant concentration in the water throughout the distribution system of at least 0.5 milligrams per liter ("mg/L") of chloramine [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>		<p>§ 290.43.</p> <p>b. Within 45 days after the effective date of the Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of the Agreed Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to the removal of the weeds, grass, vines, and trees growing in and through the fences at the McMillan Mountain elevated ground storage tank, the Bundrant Street elevated storage tank, the Park Street elevated storage tank, and the Rodeo elevated storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.</p> <p>d. Within 75 days after the effective date of the Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a purchase water contract(s) so that purchase water rate plus the production capacity is at least 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45; or</p> <p>ii. Submit an Alternative Capacity Request to TCEQ.</p> <p>f. Within 105 days after the effective date of the Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID No. 0140006



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

DATES	Assigned	22-Jan-2008	Screening	23-Jan-2008	EPA Due	
	PCW	31-Mar-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Killeen
Reg. Ent. Ref. No.	RN101391308
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35279	No. of Violations	11
Docket No.	2008-0148-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeoduru
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 Enhancement **Subtotals 2, 3, & 7**

Notes Enhancement is due to a previous Agreed Order containing a denial of liability, one Notice of Violation ("NOV") with the same/similar violations as the current enforcement action, and one NOV with dissimilar violations.

Culpability Enhancement **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

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

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

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts 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.

Notes Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

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	1	2%
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) 27%

>> 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

Enhancement is due to a previous Agreed Order containing a denial of liability, one Notice of Violation ("NOV") with the same/similar violations as the current enforcement action, and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment and failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks. Specifically, at the time of the record review, it was documented that the fences at the McMillan Mountain elevated ground storage tank, the Bundrant Street elevated storage tank, the Park Street elevated storage tank, and the Rodeo elevated storage tank have brush, vines and trees growing through them. Additionally, the fences at the McMillan Mountain elevated ground storage tank and the Park Street elevated storage tank have bent barbed wire brackets and loose barbed wire.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to properly secure the elevated storage tanks with an intruder-resistant fence may allow persons to enter and vandalize the tanks compromising the systems ability to provide a safe and adequate water supply exposing customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an 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

Four quarterly (one for each location) events are recommended from the date of the record review, December 28, 2007, to the screening date, January 23, 2008.

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$4,000	26-Sep-2007	31-Oct-2008	1.1	\$15	\$293	\$308
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 remove the vegetation growing in and around the fences including making any necessary repairs or replacements at the McMillan Mountain ground elevated storage tank, the Bundrant Street elevated storage tank, the Park Street elevated storage tank, and the Rodeo elevated storage tank. The date required is the date the violation was originally documented. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/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	\$4,000	TOTAL	\$308
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Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	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

	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 Events Number of violation days

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

Violation Base Penalty

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media 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
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$50	26-Sep-2007	24-Mar-2008	0.5	\$0	\$2	\$2
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide a 16-mesh corrosion resistant screen on the roof vent of the McMillan Mountain elevated ground storage tank. The date required is the date the violation was originally documented. The final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/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 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<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 Events **Number of violation days**

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input 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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
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)	\$50	26-Sep-2007	24-Mar-2008	0.5	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair or replace the lock hasp on the elevated ground storage tank located at McMillan Mountain. The date required is the date the violation was originally documented. The 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

\$50

TOTAL

\$2

Screening Date 23-Jan-2008
Respondent City of Killeen
Case ID No. 35279

Docket No. 2008-0148-PWS-E

PCW

*Policy Revision 2 (September 2002)
 PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101391308
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description Failed to ensure that the discharge opening of the ground storage tank overflow terminates above the surface of the ground and is not subject to submergence. Specifically, at the time of the record review, it was documented that the overflows for Pump Stations 1 & 2 terminate below the surface of the ground in a storm water drainage ditch and are subject to submergence.

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

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

Matrix Notes

If the overflow does not terminate properly and is subject to submergence, the tank will not be protected from overpressure, overload and possible catastrophic failure should the pumps or altitude valve fail to shut off when the tank is filled to capacity resulting in compromising the integrity of the tank. This could expose the water supply to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

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

Violation Base Penalty

Two quarterly events are recommended, based on one quarterly event for each overflow, calculated from the date of the record review, December 28, 2007, to the screening date, January 23, 2008.

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$600	26-Sep-2007	31-Oct-2008	1.1	\$2	\$44	\$46
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to replace the overflow on Pump Stations 1 (the overflow on Pump Station 2 was replaced on March 24, 2008) as to prevent submergence. The date required is the date the violation was originally documented. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/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

\$46

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description Failed to properly install an air release device with a 16-mesh or finer corrosion resistant screen as to preclude the possible entrance of contaminants. Specifically, at the time of the record review, it was documented that the air release device on the service pump at the Airport Pump Station was not screened.

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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Without a screened air release device, the customers of the water system could be exposed to dust, insects or other significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

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

Violation Base Penalty

One quarterly event is recommended, calculated from the date of the record review, December 28, 2007, to the screening date, January 23, 2008.

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$50	26-Sep-2007	24-Mar-2008	0.5	\$0	\$2	\$2
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a screen on the air release device at the Airport Pump Station. The date required is the date the violation was originally documented. The 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	\$50	TOTAL	\$2
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Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain a record of water works operation and maintenance activities. Specifically, at the time of the record review, it was documented that the following records were not available for review: all backflow prevention assembly annual test reports for the year 2007, and a completed Customer Service Inspection report for 1103 Coffield Street.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an 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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media 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	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	\$100	26-Sep-2007	24-Mar-2008	0.5	\$2	n/a	\$2
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 organize and begin maintaining a record keeping system that includes but is not limited to backflow prevention assembly annual test reports and completed Customer Service Inspection reports for all service locations. The date required is the date the violation was originally documented. The 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

	\$100	TOTAL	\$2
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Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
	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

	<input type="text" value="1"/>	<input type="text" value="26"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
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	\$450	26-Sep-2007	24-Mar-2008	0.5	\$1	\$15	\$16
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 costs include the amount to have a backflow prevention assembly installed at the carwash located at 4th Street and Rancier Avenue. The date required is the date the violation was originally documented. The 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

\$450

TOTAL

\$16

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> 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

	<input type="text" value="1"/>	<input type="text" value="26"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$500"/>
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				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				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]	\$50	28-Dec-2007	23-Jan-2008	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform daily monitoring of the disinfectant residual. Calculated from the record review date to the screening date.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="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

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
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)				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				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]	\$100	1-Dec-2006	31-Dec-2006	1.0	\$5	\$100	\$105
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to flush the dead-end mains monthly, or more frequently to maintain acceptable water quality, calculated for the month the dead-end mains were not flushed.

Approx. Cost of Compliance	\$100	TOTAL	\$105
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Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description
 Failed to provide a purchase water rate plus a production capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was documented that the Respondent is required to provide a production capacity of 29,995 gpm. Based on a review of the Respondent's purchase water contracts, the Respondent is providing a production capacity of 20,486 gpm which is a 32% deficiency.

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

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input type="text"/>	<input type="text"/>	
Without sufficient capacity, customers of the water supply could experience water shortages and outages exposing customers of the water supply to a significant amount of contaminants that would not exceed levels protective of human health.					
Adjustment					<input type="text" value="\$750"/>

Violation Events

Number of Violation Events Number of violation days

mark only one with an 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

One quarterly event is recommended, calculated from the date of the record review, December 28, 2007, to the screening date, January 23, 2008.

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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	28-Dec-2007	30-Nov-2008	0.9	\$1	\$12	\$13
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to increase the Facility's purchased water capacity. The date required is the date the violation was originally documented. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/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

\$13

Screening Date 23-Jan-2008

Docket No. 2008-0148-PWS-E

PCW

Respondent City of Killeen

Policy Revision 2 (September 2002)

Case ID No. 35279

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN101391308

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B), and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain the residual disinfectant concentration in the water throughout the distribution system of at least 0.5 milligrams per liter ("mg/L") of chloramine. Specifically, at the time of the record review, it was documented that field tests conducted on September 26, 2007 revealed a total chloramine residual of 0.09 mg/L at the fire hydrant at the intersection of Valley and Hillcrest Roads and a chloramine residual of 0.27 mg/L at the fire hydrant on Goode Drive.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	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"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Failure to maintain a chloramine residual of 0.5 mg/L may allow bacteria to form in the water resulting in a significant amount of contaminated water which would not exceed levels protective of human health being distributed to the public.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="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 Killeen
Case ID No. 35279
Reg. Ent. Reference No. RN101391308
Media 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
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Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				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]	\$50	26-Sep-2007	27-Sep-2008	1.9	\$5	\$50	\$55
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date when the violations occurred.

Approx. Cost of Compliance

\$50

TOTAL

\$55

Compliance History

Customer/Respondent/Owner-Operator:	CN600674683	City of Killeen	Classification: AVERAGE	Rating: 8.57
Regulated Entity:	RN101391308	CITY OF KILLEEN	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0140006	
	WATER LICENSING	LICENSE	0140006	
Location:	907 WEST JASPER DRIVE, KILLEEN, BELL COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	January 22, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 22, 2003 to January 22, 2008			

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

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: 08/23/2007 ADMINORDER 2004-1836-PWS-E
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
 - Description: Failure to properly install air release devices in the distribution system.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
 - 30 TAC Chapter 290, SubChapter D 290.47(i)
 - Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 - Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L chloramine as per agency regulations.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
 - Description: Failure to provide containment equipment for all liquid chemical storage tanks.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 09/27/2004 | (285814) |
| 2 | 10/09/2006 | (514332) |
| 3 | 11/27/2007 | (597353) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 11/14/2005 (437458)
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(2)(A)
 - Description: Failure to insure that work done on the public water supply distribution system is performed by an appropriately licensed individual.
 - Date: 09/17/2007 (594612)
 - Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.

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 KILLEEN
RN101391308**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-0148-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 City of Killeen (“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, represented by Scott Osburn of the City of Killeen Attorney’s Office, appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply located at 907 West Jasper Drive in Killeen, Bell County, Texas (the “Facility”) that has approximately 49,421 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 January 23, 2008.
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 Five Thousand Two Hundred Sixteen Dollars (\$5,216) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). The City has paid Four Thousand One Hundred Seventy-Three Dollars (\$4,173) of the administrative penalty and One Thousand Forty-Three Dollars (\$1,043) is deferred contingent upon the City’s timely and satisfactory compliance with all the terms of this Agreed

- Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 8. The Executive Director recognizes that the City has implemented the following corrective measures as of March 24, 2008:
 - a. Installed a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank;
 - b. Replaced the lock hasp on the ground storage tank located at McMillan Mountain;
 - c. Relocated the discharge opening of the ground storage tank overflow for Pump Station 2 so that it terminates above the surface of the ground;
 - d. Installed a 16-mesh or finer corrosion-resistant screen on the air release device at the Airport Pump Station;
 - e. Provided records of water works operation and maintenance activities;
 - f. Installed backflow prevention assembly at the carwash located at the intersection of 4th Street and Rancier Avenue;
 - g. Began monitoring the disinfectant residual at representative locations throughout the distribution system at least once daily;
 - h. Began flushing dead-end mains at monthly intervals; and
 - i. Began maintaining the residual disinfectant concentration in the water throughout the distribution system of at least 0.5 milligrams per liter ("mg/L") chloramine.
 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment and failed to provide a properly constructed intruder-resistant fence in order to protect the system's ground and elevated storage tanks, in violation of 30 TEX. ADMIN. CODE §§ 290.46(m) and 290.43(e), as documented during a record review conducted on December 28, 2007.
2. Failed to provide a 16-mesh or finer corrosion resistant screen for the roof vent on the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during a record review conducted on December 28, 2007.
3. Failed to lock the roof hatch on the ground storage tank located at McMillan Mountain, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during a record review conducted on December 28, 2007.
4. Failed to ensure that the discharge opening of the ground storage tank overflow terminates above the surface of the ground and is not subject to submergence, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during a record review conducted on December 28, 2007.
5. Failed to properly install an air release device with a 16-mesh or finer corrosion-resistant screen as to preclude the possible entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(b)(7), as documented during a record review conducted on December 28, 2007.
6. Failed to maintain a record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during a record review conducted on December 28, 2007.
7. Failed to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(i), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during a record review conducted on December 28, 2007.
8. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once daily, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during a record review conducted on December 28, 2007.
9. Failed to flush dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during a record review conducted on December 28, 2007.
10. Failed to provide a purchase water rate plus production capacity of 0.6 gallons per minute ("gpm"), in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4), as documented during a record review conducted on December 28, 2007.

11. Failed to maintain the residual disinfectant concentration in the water throughout the distribution system of at least 0.5 mg/L chloramine, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on December 28, 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 Killeen, Docket No. 2008-0148-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. Within 30 days after the effective date of this Agreed Order, relocate the discharge opening on the ground storage tank overflow at Pump Station 1 to ensure that it terminates at or above the ground surface and is not subject to submergence, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Agreed Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to the removal of the weeds, grass, vines, and trees growing in and through the fences at the McMillan Mountain elevated ground storage tank, the Bundrant Street elevated storage tank, the Park Street elevated storage tank, and the Rodeo elevated storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Provide a purchase water contract(s) so that purchase water rate plus the production capacity is at least 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45; or
- ii. Submit an Alternative Capacity Request to:
- Texas Commission on Environmental Quality
Technical Review & Oversight Team
Water Supply Division, MC 155
P. O. Box 13087
Austin, Texas 78711-3087
- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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.

City of Killeen
DOCKET NO. 2008-0148-PWS-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

8/4/2008
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.

Connie J. Green *BJD*
Signature

4-18-2008
Date

CONNIE J. GREEN
Name (Printed or typed)
Authorized Representative of
City of Killeen

City Manager
Title

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

