

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 4  
**DOCKET NO.:** 2009-0485-PWS-E **TCEQ ID:** RN101221406 **CASE NO.:** 37422  
**RESPONDENT NAME:** City of Emory

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Emory, 399 North Texas Street, Emory, Rains County</p> <p><b>TYPE OF OPERATION:</b> Municipal public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 7, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable Cay House, Mayor, City of Emory, P.O. Box 100, Emory, Texas 75440  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 29, 2009 and February 3, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 3, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>2) Failure to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.43(c)(6)].</p> <p>3) Failure to use required standards for performing lab equipment calibrations, failure to calibrate the benchtop turbidimeters with primary standards at least once every 90 days, failure to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days, failure to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations, and failure to check the calibration of the continuous disinfectant residual analyzers at least once each month with a chlorine solution of a known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop amperometric, spectrophotometric, or titration method [30 TEX. ADMIN. CODE § 290.46(s)(2), 290.46(s)(2)(B)(i), and 290.46(s)(2)(C)(i)(ii) and (iii)].</p>	<p><b>Total Assessed:</b> \$19,430</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$19,430</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On May 5, 2009, provided facilities to monitor the depth of the sludge blanket;</p> <p>b. On May 5, 2009, provided copies of the annual tank inspection forms;</p> <p>c. On May 5, 2009, replaced the expired reagents for measuring monochloramine and free ammonia, properly calibrated the benchtop turbidimeter and the disinfectant residual analyzers, and verified the accuracy of the manual disinfectant residual analyzers and continuous disinfectant residual analyzers;</p> <p>d. On May 20, 2009, provided a copy of the customer service inspection for Lake Country Cleaners;</p> <p>e. On May 20, 2009, calibrated the benchtop turbidimeter using primary standards and the disinfectant residual analyzers using chlorine concentrations of known solutions and verified the accuracy of the manual disinfectant residual analyzers and the continuous disinfectant residual analyzers;</p> <p>f. On May 27, 2009, installed the level indicator on the liquid ammonium sulfate ("LAS") tank; and</p> <p>g. On May 28, 2009, began to continuously monitor and record the turbidity level of the CFE.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p>

<p>4) Failure to provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank [30 TEX. ADMIN. CODE § 290.42(f)(1)(C)].</p> <p>5) Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>6) Failure to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].</p> <p>7) Failure to continuously monitor and record the turbidity level of the combined filter effluent ("CFE") at least once every four hours [30 TEX. ADMIN. CODE § 290.111(e)(3)(B)].</p> <p>8) Failure to provide forced air ventilation for enclosures containing more than one operating 150-pound chlorine cylinder [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p> <p>9) Failure to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>10) Failure to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gallons per minute ["gpm"] per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot) [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iii)].</p> <p>11) Failure to provide facilities to monitor the depth of the sludge blanket [30 TEX. ADMIN. CODE § 290.42(d)(15)(E)].</p> <p>12) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>13) Failure to conduct annual inspections of the five storage tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p>		<p>a. Within 40 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"><li>i. Complete and begin maintaining copies of service inspection certificates prior to providing continuous water service to new construction on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities, including but not limited to the following: Emory Livestock Auction, Daphine's Hairway, Elsa's Kountry Kurl, Karen's Beauty Shop, Mane Salon, Martha's Beauty Shop, Rhea's Place, 4-D Cleaners, John Runion DDS, and the wastewater plant;</li><li>ii. Provide adequate containment facilities for the Aqua-Ox 446, polymer blend, and the LAS day tanks;</li><li>iii. Install a fan in the chlorine room to provide forced air ventilation;</li><li>iv. Initiate good maintenance and housekeeping practices, including but not limited to the following: ensure that all of the valves are in working order and refurbish the coatings in areas of the filter backwash waste lines that are needed; and</li><li>v. Identify the chlorine feed line at the head of the filters and the chemical feed lines at the head control basin by utilizing labels or paint every five feet.</li></ul> <p>b. Within 55 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none"><li>i. Provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gallons per minute gpm per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot); and</li><li>ii. Install a proper air gap or a reduced pressure principle backflow prevention assembly at the Rains Family Health Care facility.</li></ul>
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<p>14) Failure to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].</p>		<p>d. Within 75 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c;</p> <p>e. Within 180 days after the effective date of this Agreed Order, refurbish all of the In-Town Plant's storage tank's interior and exterior coatings, including but not limited to the following: repairing both holes in the internal roof plate, refurbish the roof plate for the first storage tank, repair or refurbish the roof column side walls and roof plate on the second tank, refurbish the center access tube, internal sidewalls, and internal riser for the elevated storage tank so they conform to AWWA standards;</p> <p>f. Within 195 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e;</p> <p>g. Within 730 days after the effective date of this Agreed Order, replace the existing leaking concrete clearwell; and</p> <p>h. Within 745 days after the effective date of this Agreed Order submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g.</p>
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Additional ID No(s): 1900001

Attachment A  
Docket Number: 2009-0485-PWS-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City Of Emory  
**Payable Penalty Amount:** Nineteen Thousand Four Hundred Thirty Dollars (\$19,430)  
**SEP Amount:** Nineteen Thousand Four Hundred Thirty Dollars (\$19,430)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance  
**Location of SEP:** Rains County

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

**1. Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of \$3,238.33 followed by 5 payments of \$3,238.33, for a total of \$19,430. The Respondent shall mail a copy of the Final Agreed Order with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of each check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

The check 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 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.



**5. 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.

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Apr-2009	<b>Screening</b>	7-Apr-2009	<b>EPA Due</b>	
	<b>PCW</b>	7-Apr-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Emory
<b>Reg. Ent. Ref. No.</b>	RN101221406
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37422	<b>No. of Violations</b>	14
<b>Docket No.</b>	2009-0485-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

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

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

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

**Notes**  
The penalty enhancement is due to five prior Notices of Violation ("NOV"s) for violations that are the same as or similar to the violations in the current enforcement action and one agreed final enforcement order containing a denial of liability.

**Culpability**   **Subtotal 4**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  **Subtotal 6**

Total EB Amounts    
 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**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**  
No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 7-Apr-2009

Docket No. 2009-0485-PWS-E

PCW

Respondent City of Emory

Policy Revision 2 (September 2002)

Case ID No. 37422

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101221406

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### 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)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to five prior Notices of Violation ("NOV"s) for violations that are the same as or similar to the violations in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

<b>Screening Date</b> 7-Apr-2009	<b>Docket No.</b> 2009-0485-PWS-E	<b>PCW</b>															
<b>Respondent</b> City of Emory		<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 37422		<small>PCW Revision October 30, 2008</small>															
<b>Reg. Ent. Reference No.</b> RN101221406																	
<b>Media [Statute]</b> Public Water Supply																	
<b>Enf. Coordinator</b> Epifanio Villarreal																	
<b>Violation Number</b>	1																
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(8)																
<b>Violation Description</b>	Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the two ground storage tanks located at the In-Town Plant had moderate to severe corrosion on the exterior and interior of the tanks to the point that the integrity of the tanks had been compromised. Additionally, the elevated storage tank had moderate to severe corrosion on the center access tube, internal sidewall and the internal riser.																
	<b>Base Penalty</b>	\$1,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Release</td> <td colspan="2" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Release	Harm			Major	Moderate	Minor	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential	x	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>
Release	Harm																
	Major	Moderate	Minor														
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Potential	x	<input type="checkbox"/>	<input type="checkbox"/>														
<b>&gt;&gt; Programmatic Matrix</b>																	
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>							
Falsification	Major	Moderate	Minor														
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
<b>Matrix Notes</b>	Failure to maintain the storage tanks in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply which would exceed levels protective of human health.																
	<b>Adjustment</b>	\$500															
		\$500															
<b>Violation Events</b>																	
	Number of Violation Events <input type="text" value="9"/>	<input type="text" value="68"/> Number of violation days															
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	x	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$4,500"/>	
daily	<input type="checkbox"/>																
weekly	<input type="checkbox"/>																
monthly	x																
quarterly	<input type="checkbox"/>																
semiannual	<input type="checkbox"/>																
annual	<input type="checkbox"/>																
single event	<input type="checkbox"/>																
	Nine monthly events are recommended (three monthly events per storage tank) from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.																
<b>Good Faith Efforts to Comply</b>	0.0% Reduction	\$0															
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	N/A	x	(mark with x)				
	Before NOV	NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>															
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>															
N/A	x	(mark with x)															
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																
	<b>Violation Subtotal</b>	\$4,500															
<b>Economic Benefit (EB) for this violation</b>																	
	<b>Estimated EB Amount</b> <input type="text" value="\$263"/>	<b>Statutory Limit Test</b>															
		<b>Violation Final Penalty Total</b> <input type="text" value="\$6,525"/>															
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$6,525"/>																

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	29-Jan-2009	1-May-2010	1.25	\$13	\$250	\$263
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to refurbish or repaint the ground and elevated storage tanks, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$3,000 **TOTAL** \$263

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> <input type="text" value="2"/>  <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.43(c)(6)"/></p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																							
<p><b>Violation Description</b> <input type="text" value="Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the concrete clearwell had water seeping through areas of the concrete that had been patched."/></p>																								
<p><b>Base Penalty</b> <input type="text" value="\$1,000"/></p>																								
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;"><b>OR</b></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:15%; text-align: center;"><b>Release</b></td> <td style="width:15%; text-align: center;"><b>Major</b></td> <td style="width:15%; text-align: center;"><b>Moderate</b></td> <td style="width:15%; text-align: center;"><b>Minor</b></td> </tr> <tr> <td style="text-align: center;"><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>Potential</b></td> <td><input type="text"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><input type="text"/></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;"><b>Percent</b> <input type="text" value="25%"/></td> </tr> </table>		<b>OR</b>	<b>Harm</b>				<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>		<b>Potential</b>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>					<b>Percent</b> <input type="text" value="25%"/>
<b>OR</b>	<b>Harm</b>																							
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	<b>Actual</b>	<input type="text"/>	<input type="text"/>		<input type="text"/>																			
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<p><b>&gt;&gt; Programmatic Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;"><b>Falsification</b></td> <td style="width:15%; text-align: center;"><b>Major</b></td> <td style="width:15%; text-align: center;"><b>Moderate</b></td> <td style="width:15%; text-align: center;"><b>Minor</b></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> </table> <p><b>Matrix Notes</b> <input type="text" value="Failure to maintain the Facility in a watertight condition could allow a significant amount of contaminants to enter the water supply which would not exceed levels protective of human health."/></p> <p style="text-align: right;"><b>Adjustment</b> <input type="text" value="\$750"/></p>			<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>											
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>																				
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																			
<p><input type="text" value="\$250"/></p>																								
<p><b>Violation Events</b></p> <p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="68"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%; text-align: center; vertical-align: middle;"><i>mark only one with an x</i></td> <td style="width:15%; text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> <input type="text" value="\$250"/></p> <p><input type="text" value="One quarterly event is recommended from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009."/></p>		<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<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"/>								
<i>mark only one with an x</i>	daily		<input type="text"/>																					
	weekly		<input type="text"/>																					
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	annual		<input type="text"/>																					
	single event	<input type="text"/>																						
<p><b>Good Faith Efforts to Comply</b> <input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="2" style="width:10%;"></td> <td style="width:15%; text-align: center;"><b>Extraordinary</b></td> <td style="width:15%; text-align: center;"><b>Before NOV</b></td> <td style="width:15%; text-align: center;"><b>NOV to EDPRP/Settlement Offer</b></td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>Ordinary</b></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>N/A</b></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/> (mark with x)</td> </tr> </table> <p><b>Notes</b> <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p> <p style="text-align: right;"><b>Violation Subtotal</b> <input type="text" value="\$250"/></p>			<b>Extraordinary</b>	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>		<b>Ordinary</b>	<input type="text"/>	<input type="text"/>		<b>N/A</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)								
	<b>Extraordinary</b>		<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>																				
	<input type="text"/>	<input type="text"/>	<input type="text"/>																					
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<p><b>Economic Benefit (EB) for this violation</b> <input type="text" value="\$10,451"/></p> <p style="text-align: right;"><b>Violation Final Penalty Total</b> <input type="text" value="\$363"/></p> <p style="text-align: right;"><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$363"/></p>																								
<p><b>Statutory Limit Test</b> <input type="text" value="\$363"/></p>																								

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$119,245	29-Jan-2009	1-May-2010	1.25	\$498	\$9,953	\$10,451
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to replace the clearwell, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance TOTAL

\$119,245		\$10,451
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## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$871	29-Jan-2009	5-May-2009	0.26	\$1	\$15	\$16
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to properly calibrate the laboratory equipment, verify the accuracy of the manual disinfectant residual analyzer, and calibrate the disinfectant residual analyzers with primary standards, calculated from the date of the investigation to the date of compliance.

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$871 **TOTAL** \$16

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 4  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(f)(1)(C)  <b>Violation Description</b> Failed to provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank. Specifically, at the time of the investigation, it was documented that the liquid ammonium sulfate ("LAS") tank did not have a level indicator installed on the tank.</p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																			
<b>Base Penalty</b> \$1,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 25%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual				<b>Percent</b> 25%	Potential		x	
	<b>Harm</b>																			
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Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;"><b>Percent</b> 0%</td> </tr> </table> <p>Failure to provide a device for chemical bulk storage and day tanks can prevent the Facility from operating efficiently and could prevent the operator from determining the correct amount of chemicals used to treat the water thereby exposing customers to a significant amount of contaminants from improperly treated water that would not exceed levels protective of human health.</p>		Major	Moderate	Minor						<b>Percent</b> 0%									
	Major	Moderate	Minor																	
				<b>Percent</b> 0%																
<b>Adjustment</b> \$750																				
<b>\$250</b>																				
<b>Violation Events</b>																				
Number of Violation Events	1	68	Number of violation days																	
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event			<b>Violation Base Penalty</b> \$250			
daily																				
weekly																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
One quarterly event is recommended from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.																				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	<b>\$0</b>																	
	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A	x	(mark with x)																		
Notes	The Respondent does not meet the good faith criteria for this violation.																			
<b>Violation Subtotal</b>			<b>\$250</b>																	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
Estimated EB Amount	\$1	Violation Final Penalty Total	<b>\$363</b>																	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<b>\$363</b>																	

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 4

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	29-Jan-2009	27-May-2009	0.32	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed costs include the amount to install the level indicator for the LAS tank, calculated from the date of the investigation to the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50 TOTAL \$1

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> <input type="text" value="5"/>  <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.46(j)"/></p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																					
<p><b>Violation Description</b> <input type="text" value="Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities. Specifically, at the time of the investigation, it was documented that no customer service inspection certificates were completed for the following: Emory Livestock Auction, Daphine's Hairway, Elsa's Kountry Kurt, Karen's Beauty Shop, Mane Salon, Martha's Beauty Shop, Rhea's Place, 4-D Cleaners, John Runion DDS, the wastewater plant, and Lake County Cleaners."/></p>																						
<p><b>Base Penalty</b> <input type="text" value="\$1,000"/></p>																						
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">OR</td> <td colspan="4" style="text-align: center;">Harm</td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:10%; text-align: center;">Release</td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table>		OR	Harm					Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>		Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
OR	Harm																					
	Release		Major	Moderate		Minor																
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Percent <input type="text" value="0%"/>																
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
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Falsification	Major	Moderate	Minor																			
	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>																		
<p><input type="text" value="\$250"/></p>																						
<p><b>Violation Events</b></p> <p>Number of Violation Events <input type="text" value="11"/>      <input type="text" value="68"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%; text-align: center; vertical-align: middle;"><i>mark only one with an x</i></td> <td style="width:15%;">daily</td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td style="text-align: center;">x</td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> <input type="text" value="\$2,750"/></p> <p><input type="text" value="Eleven single events are recommended (one event per site)."/></p>		<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x						
<i>mark only one with an x</i>	daily		<input type="text"/>																			
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N/A	x      (mark with x)																					
<p><b>Economic Benefit (EB) for this violation</b>      <b>Statutory Limit Test</b></p> <p>Estimated EB Amount <input type="text" value="\$8"/>      Violation Final Penalty Total <input type="text" value="\$3,988"/></p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,988"/></p>																						

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 5

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$200	29-Jan-2009	1-Dec-2009	0.84	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to compile and begin maintaining customer service inspection certificates, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$8

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 6  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)</p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																					
<p><b>Violation Description</b> Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, it was documented that the Aqua-Ox 446 tank, polymer blend tank, and the LAS day tank did not have any secondary containment.</p>																						
<p><b>Base Penalty</b> \$1,000</p>																						
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">OR</td> <td colspan="4" style="text-align: center;">Harm</td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:15%; text-align: center;">Release</td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: center;">Percent</td> <td style="text-align: center;">25%</td> </tr> </table>		OR	Harm					Release	Major	Moderate	Minor	Actual					Potential		x		Percent	25%
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	Falsification	Major	Moderate	Minor																		
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<p><b>Adjustment</b> \$750</p>																						
<p>\$250</p>																						
<p><b>Violation Events</b></p> <p>Number of Violation Events <input type="text" value="3"/> <input type="text" value="68"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%; text-align: center; vertical-align: middle;"><i>mark only one with an x</i></td> <td style="width:15%;">daily</td> <td style="width:15%;"></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td></td> </tr> <tr> <td>quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td>semiannual</td> <td></td> </tr> <tr> <td>annual</td> <td></td> </tr> <tr> <td>single event</td> <td></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> \$750</p> <p style="text-align: center; border: 1px solid black; padding: 5px;">Three quarterly events are recommended (one quarterly event per tank) from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.</p>		<i>mark only one with an x</i>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event							
<i>mark only one with an x</i>	daily																					
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	Extraordinary		Before NOV	NOV to EDPRP/Settlement Offer																		
	Ordinary																					
	N/A	x	(mark with x)																			
<p><b>Economic Benefit (EB) for this violation</b> <input type="text" value="\$15"/> <b>Statutory Limit Test</b> <input type="text" value="\$1,088"/></p> <p style="text-align: right;"><b>Violation Final Penalty Total</b> \$1,088</p> <p style="text-align: right;"><b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,088</p>																						

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 6

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

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$248	29-Jan-2009	1-Dec-2009	0.84	\$1	\$14	\$15
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to provide secondary containment facilities for the Aqua-Ox 446 tank, polymer blend tank, and the LAS day tank, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance TOTAL

\$248		\$15
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<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> <input type="text" value="7"/>  <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.111(e)(3)(B)"/>  <b>Violation Description</b> <input an="" approved="" at="" cfe")="" located="" not="" point."="" sampling="" type="text" value="Failed to continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours. Specifically, at the time of the investigation, it was documented that the sampling point for the combined filter effluent (" was=""/></p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																							
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	<input type="text" value="0.0%"/>	Reduction																						
	Before NOV	NOV to EDPRP/Settlement Offer																						
Extraordinary	<input type="text"/>	<input type="text"/>																						
Ordinary	<input type="text"/>	<input type="text"/>																						
N/A	x	(mark with x)																						
Notes	The Respondent does not meet the good faith criteria for this violation.																							
<b>Economic Benefit (EB) for this violation</b>																								
<b>Estimated EB Amount</b> <input type="text" value="\$2"/>	<b>Statutory Limit Test</b>																							
<b>Violation Final Penalty Total</b> <input type="text" value="\$363"/>																								
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$363"/>																								

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 7

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	29-Jan-2009	28-May-2009	0.33	\$0	\$2	\$2
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to obtain prior approval for properly measuring and recording the CFE, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$2

<b>Screening Date</b> 7-Apr-2009	<b>Docket No.</b> 2009-0485-PWS-E	<b>PCW</b>																
<b>Respondent</b> City of Emory		Policy Revision 2 (September 2002)																
<b>Case ID No.</b> 37422		PCW Revision October 30, 2008																
<b>Reg. Ent. Reference No.</b> RN101221406																		
<b>Media [Statute]</b> Public Water Supply																		
<b>Enf. Coordinator</b> Epifanio Villarreal																		
<b>Violation Number</b>	8																	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(C)																	
<b>Violation Description</b>	Failed to provide forced air ventilation for enclosures containing more than one operating 150-pound chlorine cylinder. Specifically, at the time of the investigation, it was documented that no fan was provided for the chlorine room where both chlorine bottles were connected.																	
	<b>Base Penalty</b>	\$1,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Release	Harm				Major	Moderate	Minor	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>
Release	Harm																	
	Major	Moderate	Minor															
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<b>&gt;&gt; Programmatic Matrix</b>																		
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>								
Falsification	Major	Moderate	Minor															
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<b>Matrix Notes</b>	Failing to provide adequate ventilation could expose employees of the Facility to significant amounts of chlorine gas that would exceed levels that are protective of human health.																	
	<b>Adjustment</b>	\$500																
		\$500																
<b>Violation Events</b>																		
	<input type="text" value="3"/>	<input type="text" value="68"/> Number of violation days																
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,500"/>		
daily	<input type="checkbox"/>																	
weekly	<input type="checkbox"/>																	
monthly	<input checked="" type="checkbox"/>																	
quarterly	<input type="checkbox"/>																	
semiannual	<input type="checkbox"/>																	
annual	<input type="checkbox"/>																	
single event	<input type="checkbox"/>																	
	Three monthly events are recommended from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.																	
<b>Good Faith Efforts to Comply</b>																		
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>																
	Before NOV    NOV to EDPRP/Settlement Offer																	
Extraordinary	<input type="checkbox"/>																	
Ordinary	<input type="checkbox"/>																	
N/A	<input checked="" type="checkbox"/> (mark with x)																	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																	
	<b>Violation Subtotal</b>	\$1,500																
<b>Economic Benefit (EB) for this violation</b>																		
	<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b>	<input type="text" value="\$31"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,175"/>																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$2,175"/>																

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 8

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

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

**Delayed Costs**

Equipment	\$521	29-Jan-2009	1-Dec-2009	0.84	\$1	\$29	\$31
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide a ventilation fan for the chlorine room, calculated from the date of the investigation to the estimated date of compliance..

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$521

TOTAL

\$31

<b>Screening Date</b> 7-Apr-2009	<b>Docket No.</b> 2009-0485-PWS-E	<b>PCW</b>																			
<b>Respondent</b> City of Emory		Policy Revision 2 (September 2002)																			
<b>Case ID No.</b> 37422		PCW Revision October 30, 2008																			
<b>Reg. Ent. Reference No.</b> RN101221406																					
<b>Media [Statute]</b> Public Water Supply																					
<b>Enf. Coordinator</b> Epifanio Villarreal																					
<b>Violation Number</b>	9																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.44(h)(1)(A)																				
<b>Violation Description</b>	Failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists. Specifically, at the time of the investigation, it was documented that the Rains Family Health Care facility had an incorrect backflow prevention assembly installed (double check valve backflow assembly). An air gap assembly or a reduced pressure principle backflow prevention assembly is required at this connection.																				
	<b>Base Penalty</b>	\$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="3" style="text-align: center;">Harm</th> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="2" style="text-align: right; vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text" value="25%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="25%"/>	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Harm																				
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	Major	Moderate	Minor																		
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>																	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
<b>Matrix Notes</b>	Without a proper backflow prevention assembly or air gap installed, the water supplied for human consumption could be exposed to significant amounts of contamination which would not exceed levels that are protective of human health.																				
	<b>Adjustment</b>	\$750																			
		\$250																			
<b>Violation Events</b>																					
	Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	68 Number of violation days																			
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input style="width: 50px;" type="text" value="\$250"/>					
daily	<input type="checkbox"/>																				
weekly	<input type="checkbox"/>																				
monthly	<input type="checkbox"/>																				
quarterly	<input checked="" type="checkbox"/>																				
semiannual	<input type="checkbox"/>																				
annual	<input type="checkbox"/>																				
single event	<input type="checkbox"/>																				
	One quarterly event is recommended from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.																				
<b>Good Faith Efforts to Comply</b>																					
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <th colspan="2" style="text-align: center;">0.0% Reduction</th> <td></td> </tr> <tr> <td></td> <th style="text-align: center;">Before NOV</th> <th style="text-align: center;">NOV to EDRP/Settlement Offer</th> <td></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="3" style="text-align: right; vertical-align: middle;"><b>Violation Subtotal</b> <input style="width: 50px;" type="text" value="\$250"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		0.0% Reduction				Before NOV	NOV to EDRP/Settlement Offer		Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<b>Violation Subtotal</b> <input style="width: 50px;" type="text" value="\$250"/>	Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	(mark with x)	\$0	
	0.0% Reduction																				
	Before NOV	NOV to EDRP/Settlement Offer																			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	<b>Violation Subtotal</b> <input style="width: 50px;" type="text" value="\$250"/>																		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>																			
N/A	<input checked="" type="checkbox"/>	(mark with x)																			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																				
		<b>Violation Subtotal</b>	\$250																		
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>																		
	<b>Estimated EB Amount</b> <input style="width: 50px;" type="text" value="\$10"/>	<b>Violation Final Penalty Total</b>	\$363																		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$363																		

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 9

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$175	29-Jan-2009	1-Dec-2009	0.84	\$0	\$10	\$10
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to install the proper type of backflow prevention assembly or an air gap at the Rains Family Health Care facility, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>				
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>				
Disposal	0.00	\$0	\$0	\$0
Personnel	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	0.00	\$0	\$0	\$0
Supplies/equipment	0.00	\$0	\$0	\$0
Financial Assurance [2]	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	0.00	\$0	\$0	\$0
Other (as needed)	0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$175 TOTAL \$10

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 10  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(d)(11)(F)(iii)  <b>Violation Description</b> Failed to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gallons per minute ("gpm") per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot). Specifically, at the time of the investigation, it was documented that the Facility currently provides a filter backwash rate of flow of 8.5 gpm per square foot, which is a 32% deficiency.</p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																			
<b>Base Penalty</b> \$1,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 25%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 25%	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<b>Harm</b>																			
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	Major	Moderate	Minor																	
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 0%																
Matrix Notes	Failing to provide an adequate rate of flow of backwash could expose the Facility to a significant amount of pollutants which would not exceed levels that are protective of human health.																			
<b>Adjustment</b> \$750																				
<b>\$250</b>																				
<b>Violation Events</b>																				
<p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="68"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> \$250</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>One quarterly event is recommended from the date of the investigation, January 29, 2009, to the date of screening, April 7, 2009.</p> </div>	<i>mark only one with an x</i>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>					
<i>mark only one with an x</i>		daily	<input type="checkbox"/>																	
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	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>																		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>																		
N/A	<input checked="" type="checkbox"/>	(mark with x)																		
Notes	The Respondent does not meet the good faith criteria for this violation.																			
<b>Economic Benefit (EB) for this violation</b>																				
<b>Estimated EB Amount</b> \$32	<b>Statutory Limit Test</b>																			
<b>Violation Final Penalty Total</b> \$363	<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$363																			

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 10

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	29-Jan-2009	1-Jan-2010	0.92	\$2	\$31	\$32
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the amount to provide a filter backwash rate of flow of 12.5 gpm per square foot, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500 TOTAL \$32

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> <input type="text" value="11"/>  <b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.42(d)(15)(E)"/>  <b>Violation Description</b> <input type="text" value="Failed to provide facilities to monitor the depth of the sludge blanket. Specifically, at the time of the investigation, it was documented that the Respondent did not have any means to take accurate readings to determine the depth of the sludge blanket in the clarifier."/></p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																			
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																				
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<p><b>OR</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> <input type="text" value="25%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>	Potential	<input type="text"/>	x	<input type="text"/>	
	<b>Harm</b>																			
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	Falsification	Major	Moderate	Minor																
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>															
<input type="text" value="\$250"/>																				
<b>Violation Events</b>																				
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<i>mark only one with an x</i>		daily	<input type="text"/>		<b>Violation Base Penalty</b> <input type="text" value="\$250"/>															
		weekly	<input type="text"/>																	
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Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
<b>Economic Benefit (EB) for this violation</b> <b>Statutory Limit Test</b>																				
<b>Estimated EB Amount</b> <input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$363"/>																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$363"/>																				

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 11

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$77	29-Jan-2009	5-May-2009	0.26	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount to provide facilities to monitor the depth of the sludge blanket, calculated from the date of the investigation to the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

\$77	\$1
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<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 12  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(m)  <b>Violation Description</b> Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the Respondent did not ensure that all of the valves are in working order. The operator could not open the filter-to-waste drain valve on one of the filters. Additionally, the coatings in some areas of the filter backwash waste lines are no longer present.</p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																																										
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	daily																																										
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		<b>Violation Subtotal</b> \$100																																									
<b>Economic Benefit (EB) for this violation</b>																																											
<b>Statutory Limit Test</b>																																											
<b>Estimated EB Amount</b> \$3	<b>Violation Final Penalty Total</b> \$145																																										
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$145																																									

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 12

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	29-Jan-2009	1-Dec-2009	0.84	\$0	\$3	\$3
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed costs include the amount to initiate maintenance and good housekeeping practices at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **TOTAL**  
\$50 \$3

<p><b>Screening Date</b> 7-Apr-2009  <b>Respondent</b> City of Emory  <b>Case ID No.</b> 37422  <b>Reg. Ent. Reference No.</b> RN101221406  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 13  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(m)(1)(A)  <b>Violation Description</b> Failed to conduct annual inspections of the five storage tanks. Specifically, at the time of the investigation, it was documented that the Respondent did not conduct any of the five annual storage tank inspections for 2008.</p>	<p><b>Docket No.</b> 2009-0485-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision October 30, 2008</i></p>																				
<b>Base Penalty</b> \$1,000																					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
<p>OR</p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> <td>Percent 25%</td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual					Potential		x		Percent 25%	
	Harm																				
Release	Major	Moderate	Minor																		
Actual																					
Potential		x		Percent 25%																	
<b>&gt;&gt; Programmatic Matrix</b>																					
<table border="1" style="margin-left: 20px;"> <tr> <td></td> <td>Falsification</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td>Percent 0%</td> </tr> </table> <p>Matrix Notes: Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect that causes loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contamination that would not exceed levels that are protective of human health.</p>		Falsification	Major	Moderate	Minor							Percent 0%	<p><b>Adjustment</b> \$750</p> <p style="text-align: right;">\$250</p>								
	Falsification	Major	Moderate	Minor																	
					Percent 0%																
<b>Violation Events</b>																					
<p>Number of Violation Events 5      365 Number of violation days</p> <table border="1" style="margin-left: 20px;"> <tr> <td rowspan="7" style="font-size: small;">mark only one with an x</td> <td>daily</td> <td></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td></td> </tr> <tr> <td>quarterly</td> <td></td> </tr> <tr> <td>semiannual</td> <td></td> </tr> <tr> <td>annual</td> <td style="text-align: center;">x</td> </tr> <tr> <td>single event</td> <td></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> \$1,250</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;">             Five annual events are recommended (one event per tank).         </div>		mark only one with an x	daily		weekly		monthly		quarterly		semiannual		annual	x	single event						
mark only one with an x	daily																				
	weekly																				
	monthly																				
	quarterly																				
	semiannual																				
	annual		x																		
	single event																				
<b>Good Faith Efforts to Comply</b>																					
<p style="text-align: right;">0.0% Reduction      \$0</p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td>Before NOV</td> <td>NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td>(mark with x)</td> </tr> </table> <p>Notes: The Respondent does not meet the good faith criteria for this violation.</p> <p style="text-align: right;"><b>Violation Subtotal</b> \$1,250</p>			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)								
	Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x	(mark with x)																			
<b>Economic Benefit (EB) for this violation</b>																					
<b>Statutory Limit Test</b>																					
Estimated EB Amount \$526	Violation Final Penalty Total \$1,813																				
<b>This violation Final Assessed Penalty (adjusted for limits) \$1,813</b>																					

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 13

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	29-Jan-2008	29-Jan-2009	1.00	\$25	\$501	\$526
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct the annual storage tank inspections (\$100 per tank), calculated for the one year prior to the date of the investigation

Approx. Cost of Compliance \$500

TOTAL \$526

<b>Screening Date</b> 7-Apr-2009	<b>Docket No.</b> 2009-0485-PWS-E	<b>PCW</b>														
<b>Respondent</b> City of Emory		<small>Policy Revision 2 (September 2002)</small>														
<b>Case ID No.</b> 37422		<small>PCW Revision October 30, 2008</small>														
<b>Reg. Ent. Reference No.</b> RN101221406																
<b>Media [Statute]</b> Public Water Supply																
<b>Enf. Coordinator</b> Epifanio Villarreal																
<b>Violation Number</b>	14															
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(d)(13)															
<b>Violation Description</b>	Failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint. Specifically, at the time of the investigation, it was documented that the chlorine feed line was not labeled at the head of the filters. Additionally, two of the three chemical feed lines were not labeled at the head control basin.															
	<b>Base Penalty</b>	\$1,000														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
OR	<b>Harm</b>															
	Release      Major      Moderate      Minor															
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>														
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>														
	<b>Percent</b>	<input type="text"/> 0%														
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification      Major      Moderate      Minor															
	<input type="text"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>															
	<b>Percent</b>	<input type="text"/> 25%														
<b>Matrix Notes</b>	100% of the rule requirement was not met.															
	<b>Adjustment</b>	<input type="text"/> \$750														
		<input type="text"/> \$250														
<b>Violation Events</b>																
	<b>Number of Violation Events</b> <input type="text"/> 3	<input type="text"/> 68 <b>Number of violation days</b>														
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	weekly	<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"/>	<b>Violation Base Penalty</b> <input type="text"/> \$750
daily	<input type="text"/>															
weekly	<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"/>															
	Three single events are recommended (one event per line).															
<b>Good Faith Efforts to Comply</b>	<input type="text"/> 0.0% <b>Reduction</b>	<input type="text"/> \$0														
	<small>Before NOV      NOV to EDPRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>															
Ordinary	<input type="text"/>															
N/A	<input checked="" type="checkbox"/> (mark with x)															
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.															
	<b>Violation Subtotal</b>	<input type="text"/> \$750														
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b> <input type="text"/> \$18	<b>Violation Final Penalty Total</b>	<input type="text"/> \$1,088														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text"/> \$1,088															

## Economic Benefit Worksheet

**Respondent** City of Emory  
**Case ID No.** 37422  
**Reg. Ent. Reference No.** RN101221406  
**Media** Public Water Supply  
**Violation No.** 14

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	29-Jan-2009	1-Dec-2009	0.84	\$1	\$17	\$18
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to label the chlorine feed line and the chemical feed lines at the head of the control basin, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance TOTAL

\$300		\$18
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# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600662753	City of Emory	Classification: AVERAGE	Rating: 1.65
Regulated Entity:	RN101221406	CITY OF EMORY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1900001
Location:	399 N TEXAS ST, EMORY, RAINS COUNTY, TEXAS			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	April 07, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 07, 2004 to April 07, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Epi Villarreal	Phone:	361-825-3425	

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator 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: 04/10/2005 ADMINORDER 2004-1011-PWS-E
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter F 290.113(b)(1)  
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Exceedance of (TTHM) Maximum Contaminant Level (MCL) of 0.080 mg/L.
- 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  | 07/07/2004 | (279240) |
| 2  | 08/23/2004 | (289528) |
| 3  | 12/06/2004 | (339352) |
| 4  | 06/03/2005 | (392609) |
| 5  | 09/27/2005 | (432169) |
| 6  | 02/03/2006 | (438105) |
| 7  | 02/22/2006 | (454554) |
| 8  | 10/27/2006 | (516591) |
| 9  | 02/20/2007 | (538070) |
| 10 | 04/04/2008 | (639612) |
| 11 | 04/02/2009 | (738688) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 08/23/2004 (289528)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)
- Description: Failure to provide containment facilities for the bulk liquid chemical tanks.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)  
Description: Failure to provide the proper air gap or other acceptable backflow prevention device for the make-up water supply lines to chemical feeder solution mixing chambers.

Date: 06/06/2005 (392609)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure of the water system's Customer Service Agreement (CSA) to include the service agreement and enforcement language as stipulated in 30 TAC 290.47(b) Appendix B.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121  
Description: Failure to update the water system's Monitoring Plan.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to maintain the exterior coating of the 10,000 gallon pressure tank located at the Midway Plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to maintain exterior coatings of the storage tanks at the In-Town Plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)  
Description: Failure to provide the proper air gap or other acceptable backflow prevention device for the make-up water supply lines to chemical feeder solution mixing chambers.

Date: 02/28/2006 (454554)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to maintain the exterior coating of the 10,000 gallon pressure tank located at the Midway Plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to maintain exterior coatings of the storage tanks at the In-Town Plant.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)  
Description: Failure to have a SCBA available at the surface water treatment plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)  
Description: Failure to provide operable scales in the chlorination room at the surface water treatment plant.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)  
Description: Failure to provide an operable fan in the chlorination room at the surface water treatment plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to perform customer service inspections at car washes, medical clinics, or other premises listed under 30 TAC 290.47(l) that the city supplies water to in order to determine if potential contaminant hazards exist.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)  
Description: Failure to repair the leaking concrete clearwell.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)  
Description: Failure to replace or repair the clearwell's deteriorating roof hatch.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)  
Description: Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)  
Description: Failure to design bulk storage facilities and day tanks so as to minimize the possibility of leaks and spills. Specifically, the caustic bulk storage tank feed line

to the day tank was observed to be leaking.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)  
Description: Failure to provide a level indicator for a chemical bulk storage facility.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain all distribution system lines in a watertight condition.  
Date: 02/23/2007 (538070)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain in good working condition the system's facilities and equipment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)  
Description: Failure to complete annual testing of backflow prevention assemblies.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)  
Description: Failure to ensure that an appropriate backflow assembly as specified in 30 TAC 290.47(l) is installed at the Green Acres Nursing Home. 30 TAC 290.47(l) requires at high health hazard locations installation of reduced-pressure principle backflow prevention assembly or an air gap. Additionally, all backflow assemblies

Date: 04/08/2008 (639612)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: Failure to maintain exterior coatings of the storage tanks at the In-Town Plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)  
Description: Failure to repair the leaking concrete clearwell.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)  
Description: Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)  
Description: Failure to provide a level indicator for a chemical bulk storage facility.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to provide an adequate customer service inspection program.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain in good working condition the system's facilities and equipment.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)  
Description: Failure to complete annual testing of backflow prevention assemblies.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)  
Description: Failure to ensure that an appropriate backflow assembly as specified in 30 TAC 290.47(l) is installed at the Green Acres Nursing Home. 30 TAC 290.47(l) requires at high health hazard locations installation of reduced-pressure principle backflow prevention assembly or an air gap. Additionally, all backflow assemblies

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(6)		
Description:	Failure to provide adequate containment facilities for all liquid chemical tanks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)		
Description:	Failure to properly measure and record the turbidity level of the combined filter effluent.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	Failure to maintain operating records according to standards.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)		
Description:	Failure to check the calibration of benchtop turbidimeters with secondary standards each time a series of samples is tested.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)		
Description:	Failure to check the calibration of on-line turbidimeters at least once each week.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)		
Description:	Failure to calibrate on-line continuous disinfectant residual analyzers with chlorine solutions of known concentrations at least once every 90 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)		
Description:	Failure to check the calibration of continuous disinfectant residual analyzers with a chlorine solution of a known concentration.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)		
Description:	Failure to have a chlorination room vent fan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to develop and maintain an up to date system monitoring plan.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)		
Description:	Failure to provide an adequate backflow prevention assembly.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to lock storage tank hatches.		

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 EMORY  
RN101221406

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0485-PWS-E**

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 Emory ("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 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 Order represents the complete and fully-integrated settlement 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:

**I. FINDINGS OF FACT**

1. The City owns and operates a municipal public water supply at 399 North Texas Street, Emory, Rains County, Texas (the "Facility") that has approximately 848 service connections and 2,029 wholesale connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the two ground storage tanks located at the In-Town Plant had moderate to severe corrosion on the exterior and interior of the tanks to the point that the integrity of the tanks had been compromised. Additionally, the elevated storage tank had moderate to severe corrosion on the center access tube, internal sidewall and the internal riser.
3. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the concrete clearwell had water seeping through areas of the concrete that had been patched.
4. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not use required standards for performing lab equipment calibrations, failed to calibrate the benchtop turbidimeters with primary standards at least once every 90 days, failed to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days, failed to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations, and failed to check the calibration of the continuous disinfectant residual analyzers at least once each month with a chlorine solution of a known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop amperometric, spectrophotometric, or titration method. Specifically, at the time of the investigation, the reagents for measuring monochloramine and free ammonia were expired, the bench top turbidimeters were not being calibrated using primary standards and the manual and continuous disinfectant residual analyzers were not calibrated using the required standards at the required intervals.
5. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank. Specifically, at the time of the investigation, it was documented that the liquid ammonium sulfate ("LAS") tank did not have a level indicator installed on the tank.
6. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities. Specifically, at the time of the investigation, it was documented that no customer service inspection certificates were completed for the following: Emory Livestock Auction, Daphine's Hairway, Elsa's Kountry Kurl, Karen's Beauty Shop, Mane Salon, Martha's Beauty Shop, Rhea's Place, 4-D Cleaners, John Runion DDS, the wastewater plant, and Lake Country Cleaners.
7. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not provide adequate containment facilities for all liquid chemical

- storage tanks. Specifically, at the time of the investigation, it was documented that the Aqua-Ox 446 tank, polymer blend tank, and the LAS day tank did not have any secondary containment.
8. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not continuously monitor and record the turbidity level of the combined filter effluent at least once every four hours. Specifically, at the time of the investigation, it was documented that the sampling point for the combined filter effluent ("CFE") was not located at an approved sampling point.
  9. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not provide forced air ventilation for enclosures containing more than one operating 150-pound chlorine cylinder. Specifically, at the time of the investigation, it was documented that no fan was provided for the chlorine room where both chlorine bottles were connected.
  10. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists. Specifically, at the time of the investigation, it was documented that the Rains Family Health Care facility had an incorrect backflow prevention assembly installed (double check valve backflow assembly). An air gap assembly or a reduced pressure principle backflow prevention assembly is required at this connection.
  11. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gallons per minute ("gpm") per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot). Specifically, at the time of the investigation, it was documented that the Facility currently provides a filter backwash rate of flow of 8.5 gpm per square foot, which is a 32% deficiency.
  12. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not provide facilities to monitor the depth of the sludge blanket. Specifically, at the time of the investigation, it was documented that the City did not have any means to take accurate readings to determine the depth of the sludge blanket in the clarifier.
  13. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the City did not ensure that all of the valves are in working order. The operator could not open the filter-to-waste drain valve on one of the filters. Additionally, the coatings in some areas of the filter backwash waste lines are no longer present.
  14. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not conduct annual inspections of the five storage tanks. Specifically, at the time of the investigation, it was documented that the City did not conduct any of the five annual storage tank inspections for 2008.

15. During an investigation conducted on January 29, 2009 and February 3, 2009, TCEQ staff documented that the City did not identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint. Specifically, at the time of the investigation, it was documented that the chlorine feed line was not labeled at the head of the filters. Additionally, two of the three chemical feed lines were not labeled at the head control basin.
16. The City received notice of the violations on April 8, 2009.
17. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. On May 5, 2009, provided facilities to monitor the depth of the sludge blanket;
  - b. On May 5, 2009, provided copies of the annual tank inspection forms;
  - c. On May 5, 2009, replaced the expired reagents for measuring monochloramine and free ammonia, properly calibrated the benchtop turbidimeter and the disinfectant residual analyzers, and verified the accuracy of the manual disinfectant residual analyzers and continuous disinfectant residual analyzers;
  - d. On May 20, 2009, provided a copy of the customer service inspection for Lake Country Cleaners;
  - e. On May 20, 2009, calibrated the benchtop turbidimeter using primary standards and the disinfectant residual analyzers using chlorine concentrations of known solutions and verified the accuracy of the manual disinfectant residual analyzers and the continuous disinfectant residual analyzers;
  - f. On May 27, 2009, installed the level indicator on the LAS tank; and
  - g. On May 28, 2009, began to continuously monitor and record the turbidity level of the CFE.

## II. CONCLUSIONS OF LAW

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 Findings of Fact No. 2, the City failed to maintain the Facility's storage tanks in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
3. As evidenced by Findings of Fact No. 3, the City failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6).

4. As evidenced by Findings of Fact No. 4, the City failed to use required standards for performing lab equipment calibrations, failed to calibrate the benchtop turbidimeters with primary standards at least once every 90 days, failed to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days, failed to calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations, and failed to check the calibration of the continuous disinfectant residual analyzers at least once each month with a chlorine solution of a known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop amperometric, spectrophotometric, or titration method, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2), 290.46(s)(2)(B)(i), and 290.46(s)(2)(C)(i)(ii) and (iii).
5. As evidenced by Findings of Fact No. 5, the City failed to provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(C).
6. As evidenced by Findings of Fact No. 6, the City failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
7. As evidenced by Findings of Fact No. 7, the City failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).
8. As evidenced by Findings of Fact No. 8, the City failed to continuously monitor and record the turbidity level of the CFE at least once every four hours, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B).
9. As evidenced by Findings of Fact No. 9, the City failed to provide forced air ventilation for enclosures containing more than one operating 150-pound chlorine cylinder, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C).
10. As evidenced by Findings of Fact No. 10, the City failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
11. As evidenced by Findings of Fact No. 11, the City failed to provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gpm per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot), in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(iii).
12. As evidenced by Findings of Fact No. 12, the City failed to provide facilities to monitor the depth of the sludge blanket, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(15)(E).
13. As evidenced by Findings of Fact No. 13, the City failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

14. As evidenced by Findings of Fact No. 14, the City failed to conduct annual inspections of the five storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
15. As evidenced by Findings of Fact No. 15, the City failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
16. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
17. An administrative penalty in the amount of Nineteen Thousand Four Hundred Thirty Dollars (\$19,430) 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). Nineteen Thousand Four Hundred Thirty Dollars (\$19,430) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

### III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Nineteen Thousand Four Hundred Thirty Dollars (\$19,430) as set forth in Section II, Paragraph 17 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and 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. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Emory, Docket No. 2009-0485-PWS-E" to:

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

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 17 Conclusions of Law above, Nineteen Thousand Four Hundred Thirty Dollars (\$19,430) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP 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. The City shall undertake the following technical requirements:

- a. Within 40 days after the effective date of this Agreed Order:
  - i. Complete and begin maintaining copies of service inspection certificates prior to providing continuous water service to new construction on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement correction or addition to the distribution facilities, including but not limited to the following: Emory Livestock Auction, Daphine's Hairway, Elsa's Kountry Kurl, Karen's Beauty Shop, Mane Salon, Martha's Beauty Shop, Rhea's Place, 4-D Cleaners, John Runion DDS, and the wastewater plant, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ii. Provide adequate containment facilities the Aqua-Ox 446, polymer blend, and the LAS day tanks, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iii. Install a fan in the chlorine room to provide forced air ventilation, in accordance with 30 TEX, ADMIN. CODE § 290.42;
  - iv. Initiate good maintenance and housekeeping practices, including but not limited to the following: ensure that all of the valves are in working order and refurbish the coatings in areas of the filter backwash waste lines that are needed, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - v. Identify the chlorine feed line at the head of the filters and the chemical feed lines at the head control basin by utilizing labels or paint every five feet, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- b. Within 55 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 3.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 60 days after the effective date of this Agreed Order:
  - i. Provide a rate of flow of backwash water that is at least 20 inches vertical rise per minute (12.5 gallons per minute gpm per square foot) and not more than 35 inches of vertical rise per minute (21.8 gpm per square foot), in accordance with 30 TEX. ADMIN. CODE § 290.42; and
  - ii. Install a proper air gap or a reduced pressure principle backflow prevention assembly at the Rains Family Health Care facility, in accordance with 30 TEX. ADMIN. CODE § 290.44; and
- d. Within 75 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.

- e. Within 180 days after the effective date of this Agreed Order, refurbish all of the In-Town Plant's storage tank's interior and exterior coatings, including but not limited to the following: repairing both holes in the internal roof plate, refurbish the roof plate for the first storage tank, repair or refurbish the roof column side walls and roof plate on the second tank, refurbish the center access tube, internal sidewalls, and internal riser for the elevated storage tank so they conform to AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- f. Within 195 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 3.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 730 days after the effective date of this Agreed Order, replace the existing leaking concrete clearwell, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- h. Within 745 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. 3.g. 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 fines 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  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

4. 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.
5. 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.
6. 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.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of 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.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

9/3/2009  
\_\_\_\_\_  
Date

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

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

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

  
\_\_\_\_\_  
Signature

6/23/09  
\_\_\_\_\_  
Date

Cay House  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Emory

Mayor  
\_\_\_\_\_  
Title

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

Attachment A  
Docket Number: 2009-0485-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City Of Emory

Payable Penalty Amount: Nineteen Thousand Four Hundred Thirty Dollars (\$19,430)

SEP Amount: Nineteen Thousand Four Hundred Thirty Dollars (\$19,430)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

Location of SEP: Rains County

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

1. **Project Description**

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of \$3,238.33 followed by 5 payments of \$3,238.33, for a total of \$19,430. The Respondent shall mail a copy of the Final Agreed Order with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of each check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Failure to Fully Perform**

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

The check 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 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

**5. 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.

**6. Clean Texas Program**

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

**7. Other SEPs by TCEQ or Other Agencies**

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

