

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2007-1678-PWS-E **TCEQ ID:** RN103779302 **CASE NO.:** 34792  
**RESPONDENT NAME:** City of San Augustine

<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 San Augustine, 301 South Harrison Street, San Augustine, San Augustine County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2007-1407-MWD-E.</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 October 19, 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. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable Leroy Hughes, Mayor, City of San Augustine, 3701 South Harrison Street, San Augustine, Texas 75972  Mr. James D. Lyons, Jr., City Manager, City of San Augustine, 3701 South Harrison Street, San Augustine, Texas 75972  <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> August 8, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 1, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>2) Failure to have an overflow flap on the ground storage tank overflow pipe at the old light plant [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>3) Failure to install backflow prevention assemblies at all establishments identified as high health hazard [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>4) Failure to keep on file and make available for Commission review all water system records [30 TEX. ADMIN. CODE § 290.46(f)(2) and (3)(iv)].</p> <p>5) Failure to check the calibration of the bench top turbidimeters with secondary standards each time a series of samples is tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)].</p> <p>6) Failure to maintain the sign at the raw water intake [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].</p> <p>7) Failure to provide an intruder resistant fence [30 TEX. ADMIN. CODE § 290.43(e)].</p>	<p><b>Total Assessed:</b> \$9,525</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> \$9,525</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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 City has implemented the following corrective measures at the Facility:</p> <p>a. Submitted records of the water system mains being flushed for April, May, June and July, on August 14, 2007;</p> <p>b. Replaced the sign on the raw water intakes as of August 27, 2007;</p> <p>c. Replaced the fence surrounding the storage tank at the hospital as of August 27, 2007;</p> <p>d. Repaired the electrical wiring in accordance with local and national standards as of August 27, 2007;</p> <p>e. Installed a hinged flap cover on the overflow pipe of the ground storage tank at the old light plant as of August 27, 2007; and</p> <p>f. Submitted documentation showing the calibration of the bench-top turbidimeters on May 16, 2008.</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>a. Within 60 days after the effective date of this Sgreed Order:</p> <p>i. Ensure a backflow prevention device is installed at the following locations: 214 East Main Street, 208 Maple, 504 East Hospital Street, 306 Maple Street, 109 East Main Street, 219 South Montgomery, and 1012 Farm-To-Market Road 1277; and</p> <p>ii. Ensure that a certified backflow prevention assembly tester conducts an initial inspection of the backflow</p>

<p>8) Failure to ensure all electrical wiring is securely installed in compliance with local or national electrical codes [30 TEX. ADMIN.CODE § 290.46(v)].</p> <p>9) Failure to test backflow prevention assemblies annually by a recognized backflow assembly tester at all establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p>		<p>prevention assembly installed at 902 East Main Street and annual inspections of the backflow prevention assemblies installed at the following locations: 600 Hospital Street, 316 West Columbia Street, 304 Ironosa Street, 204 Maple Street, 723 South Highway 96, and 1203 Farm-to-Market Road 1277.</p> <p>b. Within 75 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 Provisions 2.a.i. through 2.a.ii.;</p> <p>c. Within 180 days after the effective date of this Agreed Order, refurbish the 50,000 gallon ground storage tank and the 100,000 gallon ground storage tank so that both tanks meet American Water Works Association standards; and</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Ordering Provision 2.c.</p>
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Additional ID No(s): 2030001



**Attachment A**  
**Docket Number: 2007-1678-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of San Augustine</b>
<b>Payable Penalty Amount:</b>	<b>Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525)</b>
<b>SEP Amount:</b>	<b>Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525)</b>
<b>Type of SEP:</b>	<b>Pre-approved</b>
<b>Third-Party Recipient:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc. ("RC&amp;D")- Water or Wastewater Treatment Assistance</b>
<b>Location of SEP:</b>	<b>San Augustine County</b>

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 Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds 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 Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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.

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 must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed 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 the 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:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
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

DATES	Assigned	17-Sep-2007		
	PCW	12-Mar-2008	Screening	12-Oct-2007
		EPA Due		

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of San Augustine		
Reg. Ent. Ref. No.	RN103779302		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34792	No. of Violations	9
Docket No.	2007-1678-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$6,960</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25.0% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>	<b>\$1,740</b>
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Notes: Enhancement due to five prior Notices of Violation (NOVs) for the same or similar violations in the past five years.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0.0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

<b>Approx. Cost of Compliance</b>	\$10,416	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$1,836 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$8,700</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	9.1%	<b>Adjustment</b>	<b>\$789</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for the recovery of avoided compliance cost.

<b>Final Penalty Amount</b>	<b>\$9,489</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,525</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$9,525</b>
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**Screening Date:** 12-Oct-2007

**Docket No.:** 2007-1678-PWS-E

**PCW**

**Respondent:** City of San Augustine

Policy Revision 2 (September 2002)

**Case ID No.:** 34792

PCW Revision October 30, 2008

**Reg. Ent. Reference No.:** RN103779302

**Media [Statute]:** Public Water Supply

**Enf. Coordinator:** Tel Croston

### Compliance History Worksheet

>> **Compliance History: Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments 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)** 25%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement due to five prior Notices of Violation (NOVs) for the same or similar violations in the past five years.

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

<b>Screening Date:</b> 12-Oct-2007	<b>Docket No.:</b> 2007-1678-PWS-E	<b>PCW</b>
<b>Respondent:</b> City of San Augustine	Policy Revision 2 (September 2002)	
<b>Case ID No.:</b> 34792	PCW Revision October 30, 2008	
<b>Reg. Ent. Reference No.:</b> RN103779302		
<b>Media [Statute]:</b> Public Water Supply		
<b>Enf. Coordinator:</b> Tel Croston		

**Violation Number:**

**Rule Cite(s):** 30 Tex. Admin. Code § 290.46(m)

**Violation Description:**  
 Failed to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, it was documented that there was significant evidence of corrosion found on the roof beams, interior ladder and interior surface of the 50,000 gallon ground storage tank at the water treatment plant and there was corrosion on the ladder and inner surface of the 100,000 gallon ground storage tank at the old light plant.

**Base Penalty:**

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

OR	<b>Harm</b>			<b>Percent</b> <input type="text" value="25%"/>	
	<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"/>	

**>> Programmatic Matrix**

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

**Matrix Notes:**  
 Failure to properly maintain the good working condition and appearance of the Facility could cause customers of the water supply to be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

**Adjustment:**

**Violation Events**

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

mark only one with an x	daily	<input type="text"/>
	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"/>

**Violation Base Penalty:**

**Two quarterly events are recommended (one for each tank) from the date of the investigation, August 8, 2007, to the screening date, October 12, 2007.**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount:</b> <input type="text" value="\$870"/>	<b>Violation Final Penalty Total:</b> <input type="text" value="\$682"/>
<b>This violation Final Assessed Penalty (adjusted for limits):</b> <input type="text" value="\$682"/>	

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	8-Aug-2007	31-Jan-2010	2.48	\$41	\$828	\$870
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 required to refurbish both 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

\$5,000

**TOTAL:**

\$870

**Screening Date:** 12-Oct-2007 **Docket No.:** 2007-1678-PWS-E **PCW**  
**Respondent:** City of San Augustine *Policy Revision 2 (September 2002)*  
**Case ID No.:** 34792 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.:** RN103779302  
**Media [Statute]:** Public Water Supply  
**Enf. Coordinator:** Tel Croston

**Violation Number:** 2

**Rule Cite(s):** 30 Tex. Admin. Code § 290.43(c)(3)

**Violation Description**

Failed to have an overflow flap on the ground storage tank overflow pipe at the old light plant. Specifically, on the date of the investigation, it was documented that the end of the overflow pipe was covered with a screen instead of a hinged overflow flap.

**Base Penalty:** \$1,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

**Percent:** 10%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent:** 0%

**Matrix Notes**

Failure to provide the ground storage tank with an overflow flap may expose the water supply to insignificant amounts of contaminants that would not exceed levels protective of human health.

**Adjustment:** \$900

\$100

**Violation Events**

**Number of Violation Events:** 1 **Number of violation days:** 65

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty:** \$100

One single event is recommended.

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

**Estimated EB Amount:** \$0

**Violation Final Penalty Total:** \$136

**This violation Final Assessed Penalty (adjusted for limits):** \$136

## Economic Benefit Worksheet

**Respondent** City of San Augustine

**Case ID No.** 34792

**Reg. Ent. Reference No.** RN103779302

**Media** Public Water Supply

**Violation No.** 2

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

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	8-Aug-2007	27-Aug-2007	0.05	\$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 replace the flap on the ground storage tank, 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**

\$0

<b>Screening Date:</b> 12-Oct-2007	<b>Docket No.:</b> 2007-1678-PWS-E	<b>PCW</b>
<b>Respondent:</b> City of San Augustine	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.:</b> 34792	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.:</b> RN103779302		
<b>Media [Statute]:</b> Public Water Supply		
<b>Enf. Coordinator:</b> Tel Croston		
<b>Violation Number:</b> 3		
<b>Rule Cite(s):</b>	30 Tex. Admin. Code § 290.44(h)(1)(A)	
<b>Violation Description:</b>	Failed to install backflow prevention assemblies at all establishments identified as high health hazards. Specifically, on the date of the investigation, the following sites did not have backflow prevention assemblies installed: 214 East Main Street, 208 Maple, 504 East Hospital Street, 306 Maple Street, 109 East Main Street, 219 South Montgomery, and 1012 Farm-to-Market Road 1277.	
	<b>Base Penalty:</b>	\$1,000

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>			
	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent:</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	If backflow prevention assemblies or air gaps are not properly installed at establishments identified as high health hazards, the water supply could be exposed to significant amounts of contaminants that exceed levels that are protective of human health.			

**Adjustment:**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty:**

Seven single events are recommended, one for each site that does not have the correct backflow assembly installed.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount:</b> <input type="text" value="\$169"/>	<b>Violation Final Penalty Total:</b> <input type="text" value="\$4,772"/>
<b>This violation Final Assessed Penalty (adjusted for limits):</b> <input type="text" value="\$4,772"/>	

## Economic Benefit Worksheet

**Respondent:** City of San Augustine

**Case ID No.:** 34792

**Reg. Ent. Reference No.:** RN103779302

**Media:** Public Water Supply

**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,100	8-Aug-2007	30-Sep-2008	1.15	\$8	\$161	\$169
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 backflow assemblies or air gaps, 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**

\$2,100

**TOTAL**

\$169

<b>Screening Date</b>	12-Oct-2007	<b>Docket No.</b>	2007-1678-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of San Augustine	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	34792	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN103779302			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2) and (3)(A)(iv)			
<b>Violation Description</b>	Failed to keep on file and make available for Commission review all water system records. Specifically, on the date of the investigation, it was noted that the flushing records of the dead-end mains for the months of April, May, June and July 2007 were not accessible for review.			
<b>Base Penalty</b>				\$1,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>
<b>Matrix Notes</b>	Less than 25% of the records were not available for review.			
<b>Adjustment</b>				\$990
				\$10
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="6"/>		
mark only one with an x	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>
				\$10
One single event is recommended.				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	
			<input type="text" value="\$14"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$50"/>	

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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	\$100	8-Aug-2007	14-Aug-2007	0.02	\$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

Estimated cost to submit the flushing records of the dead-end mains to TCEQ Regional Office, 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**

\$0

<b>Screening Date</b>	12-Oct-2007	<b>Docket No.</b>	2007-1678-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of San Augustine	Policy Revision 2 (September 2002) PCW Revision October 30, 2008		
<b>Case ID No.</b>	34792			
<b>Reg. Ent. Reference No.</b>	RN103779302			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	<input type="text" value="5"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(s)(2)(B)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to check the calibration of the bench-top turbidimeters with secondary standards each time a series of samples is tested."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="25%"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the date of the investigation, August 8, 2007, to the screening date, October 12, 2007.

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

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

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

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.00	\$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)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment	\$66	8-Aug-2007	16-May-2008	0.77	\$3	\$51	\$54
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

Avoided costs include the estimated cost to calibrate the online turbidimeters (3 meters at \$11 per meter), calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$66

**TOTAL**

\$54

**Screening Date:** 12-Oct-2007      **Docket No.:** 2007-1678-PWS-E      **PCW**  
**Respondent:** City of San Augustine      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 34792      *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.:** RN103779302  
**Media [Statute]:** Public Water Supply  
**Enf. Coordinator:** Tel Croston

**Violation Number:**   
**Rule Cite(s):**   
**Violation Description:**   
**Base Penalty:**

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text" value="Failure to properly identify the intake lines could lead to customers of the water supply being exposed to insignificant amounts of contaminants that would not exceed levels that are protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Adjustment:**

**Violation Events**

**Number of Violation Events:**        **Number of violation days**  
*mark only one with an x*  

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"/>

**Violation Base Penalty:**

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**  
**Estimated EB Amount:**       **Violation Final Penalty Total:**   
**This violation Final Assessed Penalty (adjusted for limits):**

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	8-Aug-2007	27-Aug-2007	0.05	\$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

Estimated cost to replace the sign, 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

\$50

**TOTAL**

\$0

<b>Screening Date:</b>	12-Oct-2007	<b>Docket No:</b>	2007-1678-PWS-E	<b>PCW</b>
<b>Respondent:</b>	City of San Augustine			Policy Revision 2 (September 2002)
<b>Case ID No.:</b>	34792			PCW Revision October 30, 2008
<b>Reg. Ent. Reference No.:</b>	RN103779302			
<b>Media [Statute]:</b>	Public Water Supply			
<b>Enf. Coordinator:</b>	Tel Croston			
<b>Violation Number:</b>	<input type="text" value="7"/>			
<b>Rule Cite(s):</b>	30 Tex. Admin. Code §.290.43(e)			
<b>Violation Description:</b>	Failed to provide an intruder resistant fence. Specifically, on the date of the investigation, it was noted that the fence surrounding the elevated storage tank at the hospital was damaged.			
<b>Base Penalty:</b>	<input type="text" value="\$1,000"/>			

>> Environmental, Property and Human Health Matrix

OR		Harm			
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>Potential</b>	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes: Without a proper fence trespassers could vandalize the storage tanks compromising the Facility's ability to provide a safe and adequate water supply.

**Adjustment:**

Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty:**

One quarterly event is recommended from the date of the investigation, August 8, 2007, to the compliance date, August 27, 2007.

Economic Benefit (EB) for this violation      Statutory Limit Test

**Estimated EB Amount:**

**Violation Final Penalty Total:**

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

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	8-Aug-2007	27-Aug-2007	0.05	\$0	\$7	\$7
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 repair the intruder resistant fence surrounding the elevated storage tank at the hospital, 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

\$2,000

TOTAL

\$7

**Screening Date** 12-Oct-2007 **Docket No:** 2007-1678-PWS-E **PCW**  
**Respondent** City of San Augustine *Policy Revision 2 (September 2002)*  
**Case ID No:** 34792 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN103779302  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator:** Tel Croston

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to ensure all electrical wiring is securely installed in compliance with local or national electrical codes. Specifically, on the date of the investigation, the wires on the electric motor at the booster station located at the hospital were not covered.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes** Improperly installed electrical wires may cause equipment to malfunction resulting in outages which could expose the water supply to significant amounts of pollutants which would exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended from the date of the investigation, August 8, 2007, to the date of compliance, August 27, 2007.

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent:** City of San Augustine

**Case ID No.:** 34792

**Reg. Ent. Reference No.:** RN103779302

**Media:** Public Water Supply

**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	8-Aug-2007	27-Aug-2007	0.05	\$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

Estimated cost to install electrical wiring at the well in compliance with a local or national code. The date required is the date of the investigation and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$300

**TOTAL**

\$1

<b>Screening Date</b>	12-Oct-2007	<b>Docket No</b>	2007-1678-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of San Augustine	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	34792	PCW Revision October 30, 2008		
<b>Reg. Ent. Reference No.</b>	RN103779302			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Tel Croston			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.44(h)(4)			
<b>Violation Description</b>	Failed to test backflow prevention assemblies annually by a recognized backflow assembly tester at all establishments where an actual or potential contamination hazard exists. Specifically, no initial test was conducted at 902 East Main Street and no annual tests were conducted at the following sites in the past twelve months: 600 Hospital Street, 316 West Columbia Street, 304 Ironosa Street, 204 Maple Street, 723 South Highway 96 and 1203 Farm-to-Market Road 1277.			
<b>Base Penalty</b>	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes**  
 If backflow prevention assemblies or air gaps are not properly tested at the establishments, the water supply could be exposed to significant amounts of contaminants that would not exceed levels protective of human health.

**Adjustment** \$750

\$250

Violation Events

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$1,750

Seven annual events are recommended (one for each site).

Economic Benefit (EB) for this violation      Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent:** City of San Augustine  
**Case ID No.:** 34792  
**Reg. Ent. Reference No.:** RN103779302  
**Media:** Public Water Supply  
**Violation No.:** 9

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$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)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$700	8-Aug-2006	8-Aug-2007	1.00	\$35	\$700	\$735
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 costs include the amount to test the backflow assemblies annually by a recognized backflow assembly tester (\$100 per assembly tested), calculated from one-year preceding the investigation to the investigation date.

Approx. Cost of Compliance

\$700

**TOTAL**

\$735

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600630289	City of San Augustine	Classification: AVERAGE	Rating: 5.28
Regulated Entity:	RN103779302	CITY OF SAN AUGUSTINE	Classification: AVERAGE	Site Rating: 14.50
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION			2030001
Location:	301 S HARRISON ST, SAN AUGUSTINE, SAN AUGUSTINE COUNTY			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	September 15, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 01, 2002 to October 01, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston	Phone:	239 - 5717	

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |   |            |          |
|---|------------|----------|
| 1 | 07/08/2003 | (62613)  |
| 2 | 03/03/2004 | (261931) |
| 3 | 05/18/2004 | (267545) |
| 4 | 05/09/2005 | (376282) |
| 5 | 06/29/2005 | (398273) |
| 6 | 05/01/2006 | (457838) |
| 7 | 09/10/2007 | (573204) |

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

Date: 07/08/2003 (62613) CN600630289

Self NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
 Description: The utility failed to maintain a record on the dates that dead-end mains are flushed.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)  
 Description: The utility failed to provide a proper vent screen for the roof ventilator on the 0.500 MG clearwell.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: The utility failed to provide a properly size roof opening on the clearwell.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: The utility failed to provide a water level indicator on the clearwell.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
Description: The utility failed to inspect the clearwell on an annual basis. Furthermore, the roof access opening was severely corroded and contained a hole approximately 6 inches in diameter.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
Description: The utility failed to provide a flow meter for the treated water discharged from the plant.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)  
Description: The utility failed to provide a vacuum breaker for the hose bib at the SWTP.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
Description: The utility failed to provide an air gap between the filter backwash discharge and the discharge pit.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)  
30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: The utility failed to maintain records of its customer service inspections.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)  
Description: The utility failed to have backflow assemblies installed at several facilities outlined in 30 TAC 290.47(i), that are connected to its water system.

Self Report? NO Classification: Moderate  
Citation: WQ 10268-002 OP  
Description: Effluent samples are not collected.

Self Report? NO Classification: Moderate  
Citation: WQ 10268-002 PERMIT  
Description: Discharge monitoring reports have never been completed or submitted by the City.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 319, SubChapter A 319.11(c)  
WQ 10268-002 OP  
Description: The city failed to provide a flow measuring device and record the flow of the waste water discharge at outfall 002.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(III)  
Description: Failure to provide sufficient service pump pass-through capacity to pressure plane #2.

Date: 03/01/2004 (261931) CN600630289

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: The utility failed to maintain a record on the dates that dead-end mains are flushed.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)  
Description: The utility failed to provide a proper vent screen for the roof ventilator on the 0.500 MG clearwell.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
Description: The utility failed to provide a properly size roof opening on the clearwell.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)  
Description: The utility failed to provide a water level indicator on the clearwell.

Self Report? NO Classification: Moderate

**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
**Description:** The utility failed to provide a flow meter for the treated water discharged from the plant.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)  
**Description:** The utility failed to provide a vacuum breaker for the hose bib at the SWTP.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)  
**Description:** The utility failed to provide an air gap between the filter backwash discharge and the discharge pit.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)  
 30 TAC Chapter 290, SubChapter D 290.46(j)  
**Description:** The utility failed to maintain records of its customer service inspections.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii)  
**Description:** The utility failed to have backflow assemblies installed at several facilities outlined in 30 TAC 290.47(j), that are connected to its water system.

**Self Report?** NO **Classification:** Moderate  
**Citation:** WQ 10268-002 OP  
**Description:** Effluent samples are not collected.

**Self Report?** NO **Classification:** Moderate  
**Citation:** WQ 10268-002 PERMIT  
**Description:** Discharge monitoring reports have never been completed or submitted by the City.

**Self Report?** NO **Classification:** Moderate  
**Citation:** 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 319, SubChapter A 319.11(c)  
 WQ 10268-002 OP  
**Description:** The city failed to provide a flow measuring device and record the flow of the waste water discharge at outfall 002.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)  
**Description:** Failure to provide sufficient service pump pass-through capacity to pressure plane #2.

**Date:** 05/17/2004 (267545) CN600630289

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(e)(6)  
**Description:** Failure to employ an operator with the required level of licence.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
**Description:** Failure to provide a adequate distribution map for reference and operator use.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter F 290.110(f)(1)  
**Description:** Failure to adequately monitor chlorine residuals in the distribution.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)  
**Description:** Failure to maintain the water system's facilities and /or equipment.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)  
**Description:** Failure to inspect the interior and the exterior of the of the 2000-gallon pressure tank.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.46(m)  
**Description:** Failure to maintain the water storage facilities.

**Self Report?** NO **Classification:** Minor  
**Citation:** 30 TAC Chapter 290, SubChapter D 290.42  
**Description:** Failure to include required emergency contact information in the plant operations manual.

**Self Report?** NO **Classification:** Minor

Citation:	30 TAC Chapter 290, SubChapter F 290.121(b)(1)(C)		
Description:	Failure to include in the monitoring plan all sampling locations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)		
Description:	Failure to maintain the roof hatch of the clear well in a locked condition.		
Date:	05/09/2005 (376282)	CN600630289	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)(6)		
Description:	Failure to employ an operator with the required level of licence.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to provide a adequate distribution map for reference and operator use.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(f)(1).		
Description:	Failure to adequately monitor chlorine residuals in the distribution.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the water storage facilities.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)		
Description:	Failure to prohibit water connection to establishments where a potential risk of contamination exists.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(3)		
Description:	Failure to establish in the contract the maximum rate at which water may be drafted on a daily and hourly basis.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to fix a water leak.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the water system's facilities and /or equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)		
Description:	Failure to perform annual testing on existing backflow prevention assemblies.		
Date:	05/01/2006 (457838)	CN600630289	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the water storage facilities.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)		
Description:	Failure to prohibit water connection to establishments where a potential risk of contamination exists.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(f)(3)		
Description:	Failure to establish in the contract the maximum rate at which water may be drafted on a daily and hourly basis.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to fix a water leak.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the water system's facilities and /or equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)		
Description:	Failure to perform annual testing on existing backflow prevention assemblies.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure to have an adequate monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		

Description: Failure to perform annual calibrations of the water system flow meters.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)  
Description: Failure to have a comprehensive backflow prevention program.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)  
Description: Failure to meet this agency's "Minimum Water System Capacity Requirements":  
Treatment capacity.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)  
Description: Failure to have backflow prevention assemblies at establishments with potential  
contamination hazards.

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 SAN AUGUSTINE  
RN103779302**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2007-1678-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 the City of San Augustine ("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 public water supply at 301 South Harrison Street in San Augustine, San Augustine County, Texas (the "Facility") that has approximately 1,403 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation on August 8, 2007, TCEQ staff documented that the City did not:

- a. Maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, it was documented that there was significant evidence of corrosion found on the roof beams, interior ladder and interior surface of the 50,000 gallon ground storage tank at the water treatment plant and there was corrosion on the ladder and inner surface of the 100,000 gallon ground storage tank at the old light plant;
  - b. Provide an overflow flap on the ground storage tank overflow pipe at the old light plant. Specifically, on the date of the investigation, it was documented that the end of the overflow pipe was covered with a screen instead of a hinged overflow flap;
  - c. Install backflow prevention assemblies at all establishments identified as high health hazards. Specifically, on the date of the investigation, the following sites did not have backflow assemblies installed: 214 East Main Street, 208 Maple Street, 504 East Hospital Street, 306 Maple Street, 109 East Main Street, 219 South Montgomery, and 1012 Farm-to-Market Road 1277;
  - d. Keep on file and make available for Commission review all water system operating records. Specifically, on the date of the investigation, it was noted that the flushing records of the dead-end mains for the months of April, May, June and July 2007 were not accessible for review;
  - e. Check the calibration of the bench-top turbidimeters with secondary standards each time a series of samples is tested;
  - f. Maintain the sign at the raw water intake. Specifically, on the date of the investigation, the sign that marks the raw water intake was illegible;
  - g. Provide an intruder resistant fence. Specifically, on the date of the investigation, it was noted that the fence surrounding the elevated storage tank at the hospital was damaged;
  - h. Ensure all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, on the date of the investigation, it was noted that the wires on the electric motor at the booster station located at the hospital were not covered; and
  - i. Test backflow prevention assemblies initially and annually by a recognized backflow assembly tester at all establishments where an actual or potential contamination hazard exists. Specifically, no initial test was conducted at 902 East Main Street and no annual test were conducted at the following sites the past twelve months: 600 Hospital Street, 316 Columbia Street, 304 Ironosa Street, 204 Maple Street, 723 South Highway 96 and 1203 Farm-to-Market Road 1277.
3. The City received notice of the violations on September 6, 2007.

4. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. Submitted records of the water system mains being flushed for April, May, June and July, on August 14, 2007;
  - b. Replaced the sign on the raw water intake as of August 27, 2007;
  - c. Repaired the fence surrounding the storage tank at the hospital as of August 27, 2007;
  - d. Repaired the electrical wiring in accordance with local and national standards as of August 27, 2007;
  - e. Installed a hinged flap cover on the overflow pipe of the ground storage tank at the old light plant as of August 27, 2007; and
  - f. Submitted documentation showing the calibration of the bench-top turbidimeters on May 16, 2008.

## 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.a., the City failed to maintain the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
3. As evidenced by Findings of Fact No. 2.b., the City failed to have an overflow flap on the ground storage tank overflow pipe at the old light plant, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
4. As evidenced by Findings of Fact No. 2.c., the City failed to install backflow prevention assemblies at all establishments identified as a high health hazard, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
5. As evidenced by Findings of Fact No. 2.d., the City failed to keep on file and make available for Commission review all water system operating records, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (3)(iv).
6. As evidenced by Findings of Fact No. 2.e., the City failed to check the calibration of the bench-top turbidimeters with secondary standards each time a series of samples is tested, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B).
7. As evidenced by Findings of Fact No. 2.f., the City failed to maintain the sign at the raw water intake, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).

8. As evidenced by Findings of Fact No. 2.g., the City failed to provide an intruder resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
9. As evidenced by Findings of Fact No. 2.h., the City failed to ensure all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
10. As evidenced by Findings of Fact No. 2.i., the City failed to test backflow prevention assemblies initially and annually by a recognized backflow assembly tester at all establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
11. 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.
12. An administrative penalty in the amount of Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX WATER CODE § 6.053. Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525) 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 Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525) as set forth in Section II, Paragraph 12 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 San Augustine, Docket No. 2007-1678-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 12 above, Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525) 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 60 days after the effective date of this Agreed Order:
    - i. Ensure a backflow prevention device is installed at the following locations: 214 East Main Street, 208 Maple, 504 East Hospital Street, 306 Maple Street, 109 East Main Street, 219 South Montgomery, and 1012 Farm-to-Market Road 1277, as required by 30 TEX. ADMIN. CODE § 290.44; and
    - ii. Ensure that a certified backflow prevention assembly tester conducts an initial inspection of the backflow prevention assembly installed at 902 East Main Street and annual inspections of the backflow prevention assemblies installed at the following locations: 600 Hospital Street, 316 West Columbia Street, 304 Ironosa Street, 204 Maple Street, 723 South Highway 96 and 1203 Farm-to-Market Road 1277, as required by 30 TEX. ADMIN. CODE § 290.44.
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Ordering Provisions 3.a.i. through 3.a.ii.
  - c. Within 180 days after the effective date of this Agreed Order, refurbish the 50,000 gallon ground storage tank and the 100,000 gallon ground storage tank so that both tanks meet American Water Works Association standards, as required by 30 TEX. ADMIN. CODE § 290.46.
  - d. Within 195 days after the effective date of this Agreed Order, the City shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Ordering Provision 3.c. 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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.

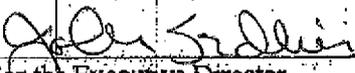
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

City of San Augustine  
DOCKET NO. 2007-1678-PWS-E  
Page 8

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

10/3/2009  
Date

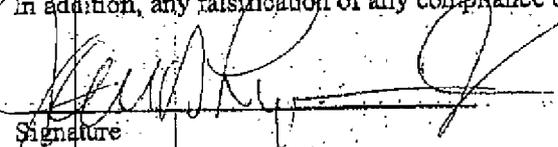
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of San Augustine. I am authorized to agree to the attached Agreed Order on behalf of the City of San Augustine and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

I understand that by entering into this Agreed Order, City of San Augustine 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, in unexcused 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

9/29/2009  
Date

JAMES D. LYONS JR.  
Name (Printed or typed)  
Authorized Representative of  
City of San Augustine

CITY MANAGER  
Title

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

Attachment A  
Docket Number: 2007-1678-PWS-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of San Augustine  
**Payable Penalty Amount:** Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525)  
**SEP Amount:** Nine Thousand Five Hundred Twenty-Five Dollars (\$9,525)  
**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:** San Augustine 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 Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds 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 Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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.

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 must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed 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 the 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:

Texas Commission on Environmental Quality  
Financial Administration Division, Revenues  
Attention: Cashier, MC 214  
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.

