

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0826-PWS-E TCEQ ID: RN101218105 CASE NO.: 37705

RESPONDENT NAME: City of Trinity

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Trinity Public Water Supply, 101 West Madison Street, Trinity, Trinity County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Phil Patchett, City Manager, City of Trinity, P.O. Box 431, Trinity, Texas 75862 The Honorable Lyle Stubbs, Mayor, City of Trinity, P.O. Box 431, Trinity, Texas 75862 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 24, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 21, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide all water storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>3) Failure to provide sanitary control easements that cover the land within 150 feet of Well No. 4 and Well No. 5 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to install a backflow assembly or an air gap at all residential establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>5) Failure to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>6) Failure to conduct an annual tank inspection of the underground storage tank located south of Trinity [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p>	<p>Total Assessed: \$7,930</p> <p>Total Deferred: \$1,586 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,344</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 2, 2009, the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Provided a copy of the sanitary control easement for Well No. 4;</p> <p>b. Installed a reduced pressure principle backflow prevention assembly at the car wash and the Trinity Funeral Home;</p> <p>c. Conducted an annual tank inspection for the underground storage tank located south of Trinity;</p> <p>d. Submitted calibration records for the well meters;</p> <p>e. Replaced the overflow cover on the ground storage tank at the North Plant;</p> <p>f. Adjusted the rotometer on the disinfection equipment at the South Plant to allow the disinfection equipment the capability of dosing 50 percent greater than the normal operating value;</p> <p>g. Modified the well site at Well No. 5 to ensure surface water will drain away from the well; and</p> <p>h. Posted an ownership sign at Well No. 4.</p> <p>Ordering Provisions:</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 30 days after the effective date of this Agreed Order:</p> <p>i. Install a water level indicator at the concrete ground storage tank located south of Trinity;</p> <p>ii. Install a reduced pressure principle</p>

<p>7) Failure to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>8) Failure to calibrate the well meters once every three years at the Facility's wells [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>9) 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>10) Failure to initiate maintenance and housekeeping practices at the Facility to ensure good working condition and appearance of its facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>11) Failure to provide disinfectant equipment with a capacity of at least 50% greater than the highest expected dosage [30 TEX. ADMIN. CODE § 290.42(e)(3)(A)].</p> <p>12) Failure to provide a well site free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(l)].</p> <p>13) Failure to post a legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p>		<p>backflow prevention assembly or air gap at Trinity High School;</p> <p>iii. Ensure the distribution map is updated to include the location of all new mains and flush valves within the distribution system; and</p> <p>iv. Begin flushing all dead-end mains at monthly intervals.</p> <p>b. Within 45 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.a;</p> <p>c. Within 60 days after the effective date of this Agreed Order, secure a sanitary control easement covering land within 150 feet of Well No. 5;</p> <p>d. 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 Provision No. 2.c;</p> <p>e. Within 180 days after the effective date of this Agreed Order, provide a well capacity of 0.6 gpm;</p> <p>f. 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 No. 2.c;</p> <p>g. Within 365 days after the effective date of this Agreed Order, refurbish the elevated storage tank at the North Plant so it conforms with AWWA standards and powerwash the elevated storage tank located in town so that the tank is free from dirt and debris; and</p> <p>h. Within 380 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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Attachment A
Docket Number: 2009-0826-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Trinity

Payable Penalty Amount: Six Thousand Three Hundred Forty-Four Dollars (\$6,344)

SEP Amount: Six Thousand Three Hundred Forty-Four Dollars (\$6,344)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP: Trinity 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 clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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 providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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:

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

DATES	Assigned	26-May-2009	Screening	28-May-2009	EPA Due	
	PCW	11-Jun-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Trinity
Reg. Ent. Ref. No.	RN101218105
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37705	No. of Violations	13
Docket No.	2009-0826-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amanda Henry
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$7,310"/>
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="\$731"/>
Notes	Penalty enhancement is due to two Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action.
Culpability	Subtotal 4 <input type="text" value="\$0"/>
Notes	The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply Total Adjustments	Subtotal 5 <input type="text" value="\$150"/>
Economic Benefit	Subtotal 6 <input type="text" value="\$0"/>
Total EB Amounts <input type="text" value="\$94,128"/>	0.0% Enhancement*
Approx. Cost of Compliance <input type="text" value="\$1,042,300"/>	*Capped at the Total EB \$ Amount
SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$7,891"/>
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="0.0%"/>
Notes	
	Final Penalty Amount <input type="text" value="\$7,891"/>
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$7,930"/>
DEFERRAL	Adjustment <input type="text" value="-1,586"/>
Notes	Deferral offered for expedited settlement.
PAYABLE PENALTY	<input type="text" value="\$6,344"/>

Screening Date 28-May-2009

Docket No. 2009-0826-PWS-E

PCW

Respondent City of Trinity

Policy Revision 2 (September 2002)

Case ID No. 37705

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101218105

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

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)	2	10%
	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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhancement is due to two Notices of Violation ("NOVs") that contain violations that are the same as those contained in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 28-May-2009	Docket No. 2009-0826-PWS-E	PCW		
Respondent City of Trinity		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37705		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101218105				
Media [Statute] Public Water Supply				
Enf. Coordinator Amanda Henry				
Violation Number 1				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility is required to produce a total well capacity of 1,268 gpm. However, after the Facility's wholesale contract obligations are met, the Facility is providing a well capacity of 705 gpm, which is a 44% deficiency.			
	Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix				
	Harm			
Release	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
OR			Percent 25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 0%
Matrix Notes	Failure to provide adequate well capacity may result in water shortages or outages which could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
	Adjustment	\$750		
		\$250		
Violation Events				
	Number of Violation Events	1	Number of violation days 65	
<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"/>		
			Violation Base Penalty \$250	
	One quarterly event is recommended, calculated from the date of the investigation, March 24, 2009, to the date of screening, May 28, 2009.			
Good Faith Efforts to Comply				
	0.0% Reduction	\$0		
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	\$250		
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$57,841	Violation Final Penalty Total \$275	
			This violation Final Assessed Penalty (adjusted for limits) \$275	

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$650,000	24-Mar-2009	1-Jul-2010	1.27	\$2,754	\$55,087	\$57,841
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 (obtained from the Facility's engineer) include the amount to increase the Facility's well capacity, 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

\$650,000

TOTAL

\$57,841

<p>Screening Date 28-May-2009 Respondent City of Trinity Case ID No. 37705 Reg. Ent. Reference No. RN101218105 Media [Statute] Public Water Supply Enf. Coordinator Amanda Henry Violation Number 2 Rule Cite(s)</p>	<p>Docket No. 2009-0826-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																												
<p>Violation Description</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">30 Tex. Admin. Code § 290.43(c)(4)</p> <p>Failed to provide all water storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the concrete ground storage tank located south of Trinity was not equipped with a liquid level indicator.</p> </div>																													
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<p>\$100</p>																													
<p>Violation Events</p> <table style="width:100%;"> <tr> <td style="width:30%;"> <p>Number of Violation Events <input style="width:50px;" type="text" value="1"/></p> </td> <td style="width:30%; text-align: right;"> <p><input style="width:50px;" type="text" value="65"/> Number of violation days</p> </td> <td style="width:40%;"></td> </tr> <tr> <td style="vertical-align: top;"> <p>mark only one with an x</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width:50px;"></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></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 style="text-align: center;">x</td></tr> </table> </td> <td style="vertical-align: top;"> <p>Violation Base Penalty \$100</p> </td> <td></td> </tr> </table>		<p>Number of Violation Events <input style="width:50px;" type="text" value="1"/></p>	<p><input style="width:50px;" type="text" value="65"/> Number of violation days</p>		<p>mark only one with an x</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width:50px;"></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></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 style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<p>Violation Base Penalty \$100</p>									
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		Before NOV	NOV to EDRP/Settlement Offer																										
Extraordinary				Violation Subtotal \$100																									
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N/A	x	(mark with x)																											
<p>Notes</p>	<p>The Respondent does not meet the good faith criteria for this violation.</p>																												
<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount <input style="width:100px;" type="text" value="\$392"/></p>																													
<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input style="width:100px;" type="text" value="\$110"/></p>																													
<p>This violation Final Assessed Penalty (adjusted for limits) <input style="width:100px;" type="text" value="\$110"/></p>																													

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Item Description No commas or \$

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$6,500	24-Mar-2009	1-Feb-2010	0.86	\$19	\$373	\$391
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)	\$100	24-Mar-2009	2-Jun-2009	0.19	\$1	n/a	\$1

Notes for DELAYED costs

The delayed costs (obtained from the Facility's engineer) include the amount for general Facility improvements which includes providing the ground storage tank with a water level indicator (that is calibrated in feet of water), calculated from the date of the investigation to the estimated date of compliance. The delayed cost of \$100 is the cost to monitor and adjust the rotometer on the disinfection equipment at the South Plant as a temporary measure until Facility improvements are completed.

Avoided Costs

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

	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				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**

\$6,600 \$392

Screening Date 28-May-2009	Docket No. 2009-0826-PWS-E	PCW					
Respondent City of Trinity		<i>Policy Revision 2 (September 2002)</i>					
Case ID No. 37705		<i>PCW Revision October 30, 2008</i>					
Reg. Ent. Reference No. RN101218105							
Media [Statute] Public Water Supply							
Enf. Coordinator Amanda Henry							
Violation Number	3						
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)						
Violation Description	Failed to provide sanitary control easements that cover the land within 150 feet of Well No. 4 and Well No. 5.						
	Base Penalty	\$1,000					
>> Environmental, Property and Human Health Matrix							
OR	Release	Harm					
		Major Moderate Minor					
	Actual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>				Percent <input type="text" value="10%"/>	
	Potential	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%; text-align: center;">X</td></tr></table>			X		
		X					
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>						Percent <input type="text" value="0%"/>
Matrix Notes	Without sanitary control easements, contaminants could enter the wells and customers of the Facility could be exposed to insignificant amounts of contaminants that would not exceed levels that are protective of human health.						
	Adjustment	<input type="text" value="\$900"/>					
		<input type="text" value="\$100"/>					
Violation Events							
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="65"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$200"/>			
	weekly	<input type="text"/>					
	monthly	<input type="text"/>					
	quarterly	<input type="text"/>					
	semiannual	<input type="text"/>					
	annual	<input type="text"/>					
	single event	X					
	Two single events are recommended (one event for each well).						
Good Faith Efforts to Comply							
	0.0% Reduction			<input type="text" value="\$0"/>			
		Before NOV	NOV to EDPRP/Settlement Offer				
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>				
Ordinary	<input type="text"/>	<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.						
	Violation Subtotal			<input type="text" value="\$200"/>			
Economic Benefit (EB) for this violation							
	Estimated EB Amount	<input type="text" value="\$132"/>	Statutory Limit Test				
			Violation Final Penalty Total	<input type="text" value="\$220"/>			
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$220"/>			

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
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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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,750	24-Mar-2009	1-Mar-2010	0.94	\$5	\$109	\$115
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)	\$1,750	24-Mar-2009	2-Jun-2009	0.19	\$17	n/a	\$17

Notes for DELAYED costs

The delayed cost (obtained from the Facility's engineer) includes the amount necessary to secure a sanitary control easement covering land within 150 feet of Well No. 4, calculated from the date of the investigation to the date of compliance. The delayed costs include an amount necessary to secure a sanitary control easement covering land within 150 feet of Well No. 5, 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

\$3,500

TOTAL

\$132

<p>Screening Date 28-May-2009 Respondent City of Trinity Case ID No. 37705 Reg. Ent. Reference No. RN101218105 Media [Statute] Public Water Supply Enf. Coordinator Amanda Henry Violation Number 4 Rule Cite(s)</p>	<p>Docket No. 2009-0826-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																					
<p>Violation Description</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">30 Tex. Admin. Code § 290.44(h)(1)(A)</p> <p>Failed to install a backflow assembly or an air gap at all residential establishments where an actual or potential contamination hazard exists. Specifically, at the time of the investigation, it was documented that backflow prevention assemblies were not installed on the water line that served the commercial carwash, Trinity Funeral Home, and Trinity High School.</p> </div>																						
<p>Base Penalty <input type="text" value="\$1,000"/></p>																						
<p>>> Environmental, Property and Human Health Matrix</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%;"></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: center;">Percent <input type="text" value="50%"/></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td></td> </tr> </table>		OR	Harm						Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>		Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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<p>Good Faith Efforts to Comply</p> <table style="width:100%;"> <tr> <td style="width:40%;"></td> <td style="width:20%; text-align: center;"><input type="text" value="0.0%"/></td> <td style="width:20%; text-align: center;">Reduction</td> <td style="width:20%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> <td></td> </tr> </table> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%; text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></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> <p>Notes</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Respondent does not meet the good faith criteria for this violation.</p> </div> <p style="text-align: right;">Violation Subtotal <input type="text" value="\$4,950"/></p>			<input type="text" value="0.0%"/>	Reduction			Before NOV	NOV to EDRP/Settlement Offer		Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	<input checked="" type="checkbox"/>	(mark with x)				
	<input type="text" value="0.0%"/>	Reduction																				
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Extraordinary	<input type="text"/>	<input type="text"/>																				
Ordinary	<input type="text"/>	<input type="text"/>																				
N/A	<input checked="" type="checkbox"/>	(mark with x)																				
<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount <input type="text" value="\$140"/></p>		<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$4,950"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,950"/></p>																				

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,000	24-Mar-2009	2-Jun-2009	0.19	\$3	\$51	\$54
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)	\$2,000	24-Mar-2009	1-Feb-2010	0.88	\$86	n/a	\$86

Notes for DELAYED costs
 The delayed costs (obtained from the Facility's engineer) include the amount to install a backflow prevention assembly or air gap at Trinity High School, calculated from the date of the investigation to the estimated date of compliance. The delayed costs includes the amount to install a backflow prevention assembly or air gap at the carwash and Trinity Funeral Home, 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)

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				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
\$6,000 \$140

<p>Screening Date 28-May-2009 Respondent City of Trinity Case ID No. 37705 Reg. Ent. Reference No. RN101218105 Media [Statute] Public Water Supply Enf. Coordinator Amanda Henry Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2) Violation Description Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, it was documented that the Facility's distribution map was not updated to include the location of new mains and flush valves installed at the new subdivision.</p>	<p>Docket No. 2009-0826-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>														
Base Penalty \$1,000															
>> Environmental, Property and Human Health Matrix															
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"/>														
OR	Percent 0%														
>> Programmatic Matrix															
Falsification															
Major Moderate Minor															
<input type="text"/> <input type="text"/> <input checked="" type="text"/>															
Percent 1%															
Matrix Notes	70% of the rule requirement was met.														
Adjustment \$990															
\$10															
Violation Events															
Number of Violation Events	1 65 Number of violation days														
mark only one with an x	<table border="1" style="margin-left: auto; margin-right: auto;"> <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><input checked="" type="text"/></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="text"/>
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="text"/>														
Violation Base Penalty \$10															
One single event is recommended.															
Good Faith Efforts to Comply															
0.0% Reduction \$0															
Before NOV NOV to EDRP/Settlement Offer															
Extraordinary	<input type="text"/> <input type="text"/>														
Ordinary	<input type="text"/> <input type="text"/>														
N/A	x (mark with x)														
Notes	The Respondent does not meet the good faith criteria for this violation.														
Violation Subtotal \$10															
Economic Benefit (EB) for this violation															
Statutory Limit Test															
Estimated EB Amount \$645	Violation Final Penalty Total \$11														
This violation Final Assessed Penalty (adjusted for limits) \$50															

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
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
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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	\$15,000	24-Mar-2009	1-Feb-2010	0.88	\$645	n/a	\$645
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 (obtained from the Facility's engineer) includes the amount to contract with the an engineer to develop and draw a new distribution system map to include all new mains and valves installed throughout the distribution system, 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

\$15,000

TOTAL

\$645

Screening Date 28-May-2009	Docket No. 2009-0826-PWS-E	PCW																		
Respondent City of Trinity		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 37705		<small>PCW Revision October 30, 2009</small>																		
Reg. Ent. Reference No. RN101218105																				
Media [Statute] Public Water Supply																				
Enf. Coordinator Amanda Henry																				
Violation Number	6																			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)																			
Violation Description	Failed to conduct an annual tank inspection of the underground storage tank located south of Trinity.																			
	Base Penalty	\$1,000																		
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="25%"/></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent <input type="text" value="25%"/>	Potential		x	
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent <input type="text" value="25%"/>																
Potential		x																		
>> Programmatic Matrix																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table>		Falsification	Major	Moderate	Minor							Percent <input type="text" value="0%"/>							
	Falsification	Major	Moderate	Minor																
					Percent <input type="text" value="0%"/>															
Matrix Notes	Failure to perform annual tank inspections could lead to the non-detection of tank defects resulting in loss of tank integrity and could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.																			
	Adjustment	\$750																		
		\$250																		
Violation Events																				
	<input type="text" value="1"/>	<input type="text" value="65"/> Number of violation days																		
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><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>	daily		weekly		monthly		quarterly		semiannual		annual	x	single event		Violation Base Penalty <input type="text" value="\$250"/>				
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual	x																			
single event																				
	One annual event is recommended (calculated for the 12 months preceding the investigation date, March 24, 2009).																			
Good Faith Efforts to Comply																				
	<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$25"/>																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td style="text-align: center;">x</td> </tr> <tr> <td>N/A</td> <td></td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary		x	N/A		(mark with x)							
	Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary																				
Ordinary		x																		
N/A		(mark with x)																		
Notes	The Respondent achieved compliance on June 2, 2009.																			
	Violation Subtotal	\$225																		
Economic Benefit (EB) for this violation																				
	<input type="text" value="\$3,316"/> Estimated EB Amount	<input type="text" value="\$250"/> Violation Final Penalty Total																		
Statutory Limit Test																				
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>																			

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
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)				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				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$3,000	24-Mar-2008	2-Jun-2009	2.11	\$316	\$3,000	\$3,316
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual inspection of the underground storage tank, calculated from one year prior to the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$3,000

TOTAL

\$3,316

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$500	24-Mar-2009	1-Jan-2010	0.78	\$19	n/a	\$19

Notes for DELAYED costs
 The delayed cost includes the amount to initiate a flushing program at monthly intervals, 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 **TOTAL**
\$500 \$19

<p>Screening Date 28-May-2009</p> <p>Respondent City of Trinity</p> <p>Case ID No. 37705</p> <p>Reg. Ent. Reference No. RN101218105</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Amanda Henry</p> <p>Violation Number <input type="text" value="8"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.46(s)(1)"/></p> <p>Violation Description <input type="text" value="Failed to calibrate the well meters once every three years at the Facility's wells."/></p>	<p>Docket No. 2009-0826-PWS-E</p> <p style="text-align: right;">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i></p>														
Base Penalty <input type="text" value="\$1,000"/>															
>> Environmental, Property and Human Health Matrix															
Harm															
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="10%"/></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> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>	Release	Major	Moderate	Minor	Percent <input type="text" value="10%"/>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	x	
Release	Major	Moderate	Minor	Percent <input type="text" value="10%"/>											
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Major	Moderate	Minor	Percent <input type="text" value="0%"/>												
<input type="text"/>	<input type="text"/>	<input type="text"/>													
Matrix Notes	<input type="text" value="Failure to have the well meters properly calibrated could result in inaccurate or unavailable water usage and production data, thereby exposing customers of the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health."/>														
Adjustment <input type="text" value="\$900"/>															
<input type="text" value="\$100"/>															
Violation Events															
Number of Violation Events <input type="text" value="4"/>	<input type="text" value="65"/> Number of violation days														
<p><i>mark only one with an x</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="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><input type="text"/></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 style="text-align: center;">x</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	x	Violation Base Penalty <input type="text" value="\$400"/>
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														
<input type="text" value="Four single events are recommended (one event for each well)."/>															
Good Faith Efforts to Comply															
10.0% Reduction															
Before NOV NOV to EDRP/Settlement Offer															
Extraordinary	<input type="text"/>														
Ordinary	x														
N/A	(mark with x)														
Notes	<input type="text" value="The Respondent achieved compliance on June 2, 2009."/>														
Violation Subtotal <input type="text" value="\$380"/>															
Economic Benefit (EB) for this violation															
Estimated EB Amount <input type="text" value="\$478"/>	Statutory Limit Test														
Violation Final Penalty Total <input type="text" value="\$400"/>															
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$400"/>															

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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				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)	\$400	24-Mar-2006	24-Mar-2009	3.92	\$78	\$400	\$478

Notes for AVOIDED costs

The avoided cost includes the amount to properly calibrate the well meter (\$100 per meter for four wells), calculated for three years prior to the investigation date.

Approx. Cost of Compliance

\$400

TOTAL

\$478

<p>Screening Date 28-May-2009</p> <p>Respondent City of Trinity</p> <p>Case ID No. 37705</p> <p>Reg. Ent. Reference No. RN101218105</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Amanda Henry</p> <p>Violation Number 9</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)</p> <p>Violation Description 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 elevated storage tank at the North Plant displayed signs of severe corrosion and rust and the overflow pipe was placed on top of unstable cinder blocks. Additionally, the elevated storage tank located in-town displayed visible signs of dirt and debris.</p>	<p>Docket No. 2009-0826-PWS-E</p> <p>PCW Policy Revision 2 (September 2002) PCW Revision October 30, 2008</p>																							
<p>Base Penalty \$1,000</p>																								
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></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 rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: center;">Release</td> <td style="text-align: center;">Actual</td> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">Percent</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="text"/></td> <td style="text-align: center;"><input type="text" value="25%"/></td> </tr> </table>				Harm						Major	Moderate	Minor		OR	Release	Actual	Potential		Percent		<input type="text"/>	<input type="text"/>	<input checked="" type="text"/>	<input type="text" value="25%"/>
		Harm																						
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		Major	Moderate	Minor																				
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent																			
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>																			
<p>Adjustment \$750</p>																								
<p>\$250</p>																								
<p>Violation Events</p> <p>Number of Violation Events <input type="text" value="2"/> <input type="text" value="65"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="vertical-align: middle; text-align: center;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input checked="" type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="text"/></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty \$500</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="text"/>	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"/>																					
	monthly		<input type="text"/>																					
	quarterly		<input checked="" type="text"/>																					
	semiannual		<input type="text"/>																					
	annual		<input type="text"/>																					
	single event	<input type="text"/>																						
<p>Two quarterly events are recommended (one quarterly event per tank), calculated from the date of the investigation, March 24, 2009, to the screening date, May 28, 2009.</p>																								
<p>Good Faith Efforts to Comply</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Before NOV NOV to EDPRP/Settlement Offer</td> <td></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input checked="" type="text"/></td> <td style="text-align: center;">(mark with x)</td> <td></td> </tr> </table> <p>Notes The Respondent does not meet the good faith criteria for this violation.</p> <p style="text-align: right;">Violation Subtotal \$500</p>				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	<input checked="" type="text"/>	(mark with x)				
		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	<input checked="" type="text"/>	(mark with x)																						
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <p>Estimated EB Amount \$31,068 Violation Final Penalty Total \$550</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$550</p>																								

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
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)	\$350,000	24-Mar-2009	1-Jan-2011	1.78	\$31,088	n/a	\$31,088

Notes for DELAYED costs

The delayed cost (obtained from the Facility's engineer) includes the amount necessary to refurbish the exterior of the tanks. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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

\$350,000

TOTAL

\$31,088

Screening Date 28-May-2009	Docket No. 2009-0826-PWS-E	PCW			
Respondent City of Trinity		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37705		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101218105					
Media [Statute] Public Water Supply					
Enf. Coordinator Amanda Henry					
Violation Number <input type="text" value="10"/>					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)				
Violation Description	Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and appearance of its facilities and equipment. Specifically, at the time of the investigation, it was documented that the ground storage tank overflow cover at the North Plant was rusted and deteriorated with visible holes.				
	Base Penalty	<input type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	x	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	Failure to initiate good housekeeping practices could result in customers of the water supply being exposed to insignificant amounts of contaminants which would not exceed levels that are protective of human health.				
	Adjustment				<input type="text" value="\$900"/>
					<input type="text" value="\$100"/>
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="65"/>	
	<small>mark only one with an x</small>	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 <input type="text" value="\$100"/>
	One single event is recommended.				
Good Faith Efforts to Comply					
	10.0% Reduction				<input type="text" value="\$10"/>
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	x		
	N/A	<small>(mark with x)</small>			
	Notes	The Respondent achieved compliance on June 2, 2009.			
	Violation Subtotal				<input type="text" value="\$90"/>
Economic Benefit (EB) for this violation					
	Estimated EB Amount	<input type="text" value="\$5"/>	Statutory Limit Test		
			Violation Final Penalty Total	<input type="text" value="\$100"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$100"/>		

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$500	24-Mar-2009	2-Jun-2009	0.19	\$5	n/a	\$5

Notes for DELAYED costs

The delayed costs include the amount to replace the overflow cover (obtained from the Facility's engineer), 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

\$500

TOTAL

\$5

<p>Screening Date 28-May-2009 Respondent City of Trinity Case ID No. 37705 Reg. Ent. Reference No. RN101218105 Media [Statute] Public Water Supply Enf. Coordinator Amanda Henry Violation Number 11 Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)(A) Violation Description Failed to provide disinfectant equipment with a capacity of at least 50% greater than the highest expected dosage to be applied at any time. Specifically, at the time of the investigation, it was documented that the rotometer at the South Plant did not have the capability of dosing percent greater than the normal operating value.</p>	<p>Docket No. 2009-0826-PWS-E PCW Policy Revision 2 (September 2002) PCW Revision October 30, 2009</p>																								
Base Penalty \$1,000																									
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></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 rowspan="2" style="text-align: center; vertical-align: middle;">OR</td> <td style="text-align: center;">Release</td> <td style="text-align: center;">Actual</td> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">Percent 25%</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>				Harm						Major	Moderate	Minor		OR	Release	Actual	Potential		Percent 25%			x			
		Harm																							
		Major	Moderate	Minor																					
OR	Release	Actual	Potential		Percent 25%																				
			x																						
<p>>> Programmatic Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></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 style="text-align: center;">Falsification</td> <td></td> <td></td> <td></td> <td style="text-align: center;">Percent 0%</td> </tr> </table> <p>Matrix Notes Failure to provide disinfection equipment capable of satisfactory operation could expose customers to a significant amount of contaminants which would not exceed levels that are protective of human health.</p> <p style="text-align: right;">Adjustment \$750</p>				Major	Moderate	Minor			Falsification				Percent 0%												
		Major	Moderate	Minor																					
	Falsification				Percent 0%																				
Violation Events																									
<p>Number of Violation Events: 1 65 Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="text-align: center; vertical-align: middle;"><i>mark only one with an x</i></td> <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></td> <td style="text-align: center;">single event</td> <td></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty \$250</p> <p style="border: 1px solid black; padding: 5px; margin-top: 10px;">One quarterly event is recommended, calculated from the investigation date of March 24, 2009, to the screening date, May 28, 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																								
	weekly																								
	monthly																								
	quarterly		x																						
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	annual																								
	single event																								
<p>Good Faith Efforts to Comply</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">10.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td colspan="2" style="text-align: center;">(mark with x)</td> </tr> <tr> <td style="text-align: center;">Notes</td> <td colspan="3" style="border: 1px solid black; padding: 5px;">The Respondent achieved compliance on June 2, 2009.</td> </tr> </table> <p style="text-align: right;">Violation Subtotal \$225</p>				10.0% Reduction				Before NOV	NOV to EDRP/Settlement Offer	Extraordinary				Ordinary		x		N/A		(mark with x)		Notes	The Respondent achieved compliance on June 2, 2009.		
		10.0% Reduction																							
		Before NOV	NOV to EDRP/Settlement Offer																						
Extraordinary																									
Ordinary		x																							
N/A		(mark with x)																							
Notes	The Respondent achieved compliance on June 2, 2009.																								
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <p>Estimated EB Amount: \$54 Violation Final Penalty Total: \$250</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$250</p>																									

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment	\$4,000	24-Mar-2009	2-Jun-2009	0.19	\$3	\$51	\$54
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 (obtained from the Facility's engineer) includes the amount necessary to obtain a new rotometer. The date required is the investigation date. The final date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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 TOTAL

\$4,000	\$54
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Screening Date 28-May-2009	Docket No. 2009-0826-PWS-E	PCW															
Respondent City of Trinity		<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37705		<small>PCW Revision October 30, 2009</small>															
Reg. Ent. Reference No. RN101218105																	
Media [Statute] Public Water Supply																	
Enf. Coordinator Amanda Henry																	
Violation Number	12																
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(I)																
Violation Description	Failed to provide a well site free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well. Specifically, at the time of the investigation, it was documented that there was approximately 3 feet in depth of sand around the casing between the sealing block for Well No. 5, which is allowing the ponding of water around the well casing.																
	Base Penalty	\$1,000															
>> Environmental, Property and Human Health Matrix																	
	Harm																
	Major	Moderate	Minor														
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">X</td> <td></td> <td></td> </tr> </table>		Actual				Potential	X			Percent 25%						
Actual																	
Potential	X																
>> Programmatic Matrix																	
	Falsification																
	Major	Moderate	Minor														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>					Percent 0%											
Matrix Notes	Failure to provide proper ground maintenance at the well site will not allow surface water to drain away from the well which could expose the water supply to significant amounts of pollutants which would not exceed levels that are protective of human health.																
	Adjustment	\$750															
			\$250														
Violation Events																	
	Number of Violation Events	1	Number of violation days														
		65															
	<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			Violation Base Penalty \$250
daily																	
weekly																	
monthly																	
quarterly	X																
semiannual																	
annual																	
single event																	
<small>mark only one with an x</small>																	
	One quarterly event is recommended, calculated from the date of investigation, March 24, 2009, to the screening date, May 28, 2009.																
Good Faith Efforts to Comply																	
	10.0% Reduction		\$25														
	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>															
Extraordinary																	
Ordinary		X															
N/A		<small>(mark with x)</small>															
Notes	The Respondent achieved compliance on June 2, 2009.																
	Violation Subtotal		\$225														
Economic Benefit (EB) for this violation																	
	Estimated EB Amount	\$34	Violation Final Penalty Total \$250														
Statutory Limit Test																	
	This violation Final Assessed Penalty (adjusted for limits)		\$250														

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,500	24-Mar-2009	2-Jun-2009	0.19	\$2	\$32	\$34
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 (obtained from the Facility's engineer) includes the amount to modify the well site to ensure surface water will drain away from the well, calculated from the date of the investigation to the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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 **TOTAL**

\$2,500	\$34
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Screening Date 28-May-2009 Respondent City of Trinity Case ID No. 37705 Reg. Ent. Reference No. RN101218105 Media [Statute] Public Water Supply Enf. Coordinator Amanda Henry Violation Number 13 Rule Cite(s) 30 Tex. Admin. Code § 290.46(t) Violation Description Failed to post a legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted. Specifically, at the time of the investigation, it was documented that the Facility did not have an ownership sign at Well No. 4.	Docket No. 2009-0826-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>																						
Base Penalty \$1,000																							
>> Environmental, Property and Human Health Matrix <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Release</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 rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>				Harm					Release	Major	Moderate	Minor		OR	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"/>
		Harm																					
	Release	Major	Moderate	Minor																			
OR	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																				
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		Percent <input type="text" value="25%"/>																		
Violation Events																							
Number of Violation Events <input type="text" value="1"/> <input type="text" value="65"/> Number of violation days <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle; text-align: right;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="text" value="x"/></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty \$250</p> <p style="text-align: center; border: 1px solid black; padding: 5px;">One single event is recommended.</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	<input type="text" value="x"/>						
<i>mark only one with an x</i>	daily		<input type="text"/>																				
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	single event	<input type="text" value="x"/>																					
Good Faith Efforts to Comply <input type="text" value="10.0%"/> Reduction <input type="text" value="\$25"/> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="2" style="text-align: center;">10.0% Reduction</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text" value="x"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td colspan="3" style="text-align: center;"><small>(mark with x)</small></td> </tr> </table> <p>Notes The Respondent achieved compliance on June 2, 2009.</p> <p style="text-align: right;">Violation Subtotal \$225</p>				10.0% Reduction				Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	N/A	<small>(mark with x)</small>				
		10.0% Reduction																					
		Before NOV	NOV to EDRP/Settlement Offer																				
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>																				
Ordinary	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>																				
N/A	<small>(mark with x)</small>																						
Economic Benefit (EB) for this violation <input type="text" value="\$3"/> Statutory Limit Test																							
Violation Final Penalty Total \$250																							
This violation Final Assessed Penalty (adjusted for limits) \$250																							

Economic Benefit Worksheet

Respondent City of Trinity
Case ID No. 37705
Reg. Ent. Reference No. RN101218105
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$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)	\$300	24-Mar-2009	2-Jun-2009	0.19	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the amount to post proper signs at Well No. 4, 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 TOTAL

\$300	\$3
-------	-----

Compliance History Report

Customer/Respondent/Owner-Operator: CN600660112 City of Trinity Classification: Rating:
Regulated Entity: RN101218105 CITY OF TRINITY PUBLIC WATER Classification: Site Rating:
SUPPLY

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2280002

WATER LICENSING LICENSE 2280002

Location: 101 WEST MADISON STREET, TRINITY, TRINITY COUNTY, TX

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: May 28, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 28, 2004 to May 28, 2009

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

Name: Amanda Henry Phone: 713-767-3672

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.

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. (CEEDS Inv. Track. No.)

1 05/09/2005 (378384)
2 09/06/2005 (405436)
3 04/16/2007 (543022)
4 08/28/2007 (565376)
5 06/30/2008 (682331)
6 05/21/2009 (744822)

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

Date: 05/09/2005 (378384)

Self Report? NO

Classification: Minor

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

Description: Failure to have the casing extend a minimum of 18 inches.

Self Report? NO

Classification: Minor

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

Description: Failure to provide an appropriate sealing block for Well # 1.

Self Report? NO

Classification: Minor

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

Description: Failure to seat the wellhead on Well #2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to have well casing vent on Well #3.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to have an updated distribution map.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to have an appropriate monitoring plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide a proper overflow pipe and gravity-hinged weighted cover for overflow on underground storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)

Description: Failure to provide an appropriate intruder-resistant fence.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to have all annual tank inspections available for review.
During the investigation, it was noted that the water system could not locate the annual inspection for the ground storage tank at the Rockland plant.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to have test reports indicating that all backflow prevention assemblies have been tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain flushing records.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide an appropriate pressure gauge or water level indicator on the elevated storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to have well casing vent adequately screened.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to ensure that all valves, pipes, and fittings are thoroughly tight against leakage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to properly maintain the water system.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)

Description: Failure to document the locations of disinfectant residual monitoring results.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to provide an appropriate sealing block for Well # 3.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)

Description: Failure to provide operation by adequately trained and appropriately licensed personnel.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)

Description: Failure to meet the Agency's "Minimum Water System Capacity Requirements."

Date: 08/29/2007 (565376)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to have an updated distribution map.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to have an appropriate monitoring plan.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
Description:	Failure to have test reports indicating that all backflow prevention assemblies have been tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)		
Description:	Failure to document the locations of disinfectant residual monitoring results.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)		
Description:	Failure to meet the Agency's "Minimum Water System Capacity Requirements."		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)		
Description:	Failure to provide an SCBA for the chlorinator room that is immediately accessible.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to ensure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide a liquid level indicator for a water storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to maintain a minimum water pressure of 35 psi under normal operating conditions in the distribution system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
Description:	Failure to keep records of the amount of chemical used every day.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to obtain a sanitary control easement or executive director approval for a substitute for obtaining, recording, and submitting a copy of the recorded sanitary control easement(s).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to have an adequately sized overflow for a water storage tank.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)		
Description:	Failure to provide a minimum of two pumps in each pressure plane.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(u)		
Description:	Failure to plug abandoned public water supply wells.		

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 TRINITY
RN101218105**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0826-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Trinity ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 101 West Madison Street in Trinity, Trinity County, Texas (the "Facility") that has approximately 1,614 service connections and four wholesale service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about May 26, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seven Thousand Nine Hundred Thirty Dollars (\$7,930) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Thousand Five Hundred Eighty-Six Dollars (\$1,586) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the

City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Six Thousand Three Hundred Forty-Four Dollars (\$6,344) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that on June 2, 2009 the City has implemented the following corrective measures at the Facility:
 - a. Provided a copy of the sanitary control easement for Well No. 4;
 - b. Installed a reduced pressure principle backflow prevention assembly at the car wash and the Trinity Funeral Home;
 - c. Conducted an annual tank inspection for the underground storage tank located south of Trinity;
 - d. Submitted calibration records for the well meters;
 - e. Replaced the overflow cover on the ground storage tank at the North Plant;
 - f. Adjusted the rotometer on the disinfection equipment at the South Plant to allow the disinfection equipment the capability of dosing 50 percent greater than the normal operating value;
 - g. Modified the well site at Well No. 5 to ensure surface water will drain away from the well; and
 - h. Posted an ownership sign at Well No. 4.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on March 24, 2009.
2. Failed to provide all water storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on March 24, 2009.
3. Failed to provide sanitary control easements that cover the land within 150 feet of Well No. 4 and Well No. 5, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on March 24, 2009.
4. Failed to install a backflow assembly or an air gap at all residential establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on March 24, 2009.
5. Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on March 24, 2009.
6. Failed to conduct an annual tank inspection of the underground storage tank located south of Trinity, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on March 24, 2009.
7. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l), as documented during an investigation conducted on March 24, 2009.
8. Failed to calibrate the well meters once every three years at the Facility's wells, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on March 24, 2009.
9. Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8), as documented during an investigation conducted on March 24, 2009.
10. Failed to initiate maintenance and housekeeping practices at the Facility to ensure good working condition and appearance of its facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on March 24, 2009.
11. Failed to provide disinfectant equipment with a capacity of at least 50% greater than the highest expected dosage, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(A), as documented during an investigation conducted on March 24, 2009.

12. Failed to provide a well site free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(1), as documented during an investigation conducted on March 24, 2009.
13. Failed to post a legible sign at each production, treatment and storage facility that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on March 24, 2009.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Trinity, Docket No. 2009-0826-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 I, Paragraph 5 above, Six Thousand Three Hundred Forty-Four Dollars (\$6,344) 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 provision of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Install a water level indicator at the concrete ground storage tank located south of Trinity, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - ii. Install a reduced pressure principle backflow prevention assembly or air gap at Trinity High School, in accordance with 30 TEX. ADMIN. CODE § 290.44;

- iii. Ensure the distribution map is updated to include the location of all new mains and flush valves within the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Begin flushing all dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed 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, secure a sanitary control easement covering land within 150 feet of Well No. 5, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed 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, provide a well capacity of 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - f. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
 - g. Within 365 days after the effective date of this Agreed Order, refurbish the elevated storage tank at the North Plant so it conforms with AWWA standards and powerwash the elevated storage tank located in-town so that the tank is free from dirt and debris, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - h. Within 380 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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. 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 10/20/2009

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

Date 9-24-09

Lyle Stubbs

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

MAYOR
Title

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

Attachment A
Docket Number: 2009-0826-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Trinity
Payable Penalty Amount:	Six Thousand Three Hundred Forty-Four Dollars (\$6,344)
SEP Amount:	Six Thousand Three Hundred Forty-Four Dollars (\$6,344)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up
Location of SEP:	Trinity 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 clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

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 providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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:

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.

