EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1224-MLM-E TCEQ ID: RN101406916 CASE NO.: 7965
RESPONDENT NAME: CITY OF LAWN

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
___AIR	X MULTI-MEDIA (check all that apply)	___INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
___MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__ DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 150 Main Street, Lawn, Taylor County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: _X_ Yes ___ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 8, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Water Enforcement Section, MC R-13, (210) 490-3096
TCEQ Regional Contact: Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-6115
Respondent: The Honorable Veronica Burleson, Mayor, City of Lawn, 150 Main Street, Lawn, Texas 79530
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint X Routine ___ Enforcement Follow-up X Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigation Relating to this Case:** February 16, 2007; April 11, 2007; and June 8, 2007 **Date of NOE Relating to this Case:** June 19, 2007 **Background Facts:** The case was referred to the Litigation Division on April 4, 2008. The EDPRP was filed on May 5, 2008. Settlement was achieved and an Agreed Order was signed on September 25, 2008. **Current Compliance Status:** Since the date the Agreed Order was signed, the Respondent corrected violation nos. 8 through 13, 15 through 17, and 20. Corresponding resolved Technical Requirements are: 1.a., e., and f., 2. e., f., g., and i., and 3.e. and f. During an investigation conducted on September 25, 2008, six new violations and three areas of concern were documented. **MLM:** 1. Failed to obtain a permit from the Commission prior to discharging wastewater [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 290.42(i), and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.a.]. 2. Failed to properly monitor and record the turbidity level of the combined filter effluent of the public water system with a surface water source [30 TEX. ADMIN CODE § 290.111(c)(2) and (c)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 3. Exceeded the turbidity level of combined filter effluent of the public water system that treats surface water [30 TEX. ADMIN. CODE § 290.111(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $49,556 **Total Deferred:** $0 ___ Expedited Order ___ Financial Inability to Pay ___SEP Conditional Offset **Total Paid/Due to General Revenue:** $1,146/$48,410 The Respondent has paid $1,146 of the administrative penalty. The remaining amount of $48,410 of the administrative penalty shall be payable in 47 monthly payments of $1,030 each. **Site Compliance History Classification** N/A **Person Compliance History Classification** N/A **Major Source:** ___ Yes X No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** Indifference to legal duty, absence of management practices designed to insure compliance, and more than three repeated enforcement actions over the prior five year period for the same violation. This action involves violations of three previous Agreed Orders. The Respondent has has four Agreed Orders in the past four years.	**Ordering Provisions:** The Respondent shall undertake the following technical requirements: 1. Immediately: a. Begin maintaining the residual disinfectant concentration throughout the distribution system at a minimum of 0.5mg/L total chlorine; b. Begin properly monitoring and recording the turbidity levels of the combined filter effluent; c. Implement procedures to ensure that the turbidity level of combined filter effluent is achieved; d. Implement procedures to ensure that the water system meets the requirements of the disinfection protocol; e. Implement procedures to ensure a continuous application of coagulants to the water in mixing basins or chambers to ensure that a complete disinfection occurs to the water prior to it entering the distribution system; and f. Begin conducting weekly calibration checks of the on-line turbidimeter. 2. Within 30 days: a. Submit written certification of compliance with No. 1 above; b. Submit an administratively complete wastewater discharge permit application; c. Correct performance-limiting factors identified during the February 20 through February 24, 2006, MCPE for the disinfectant monitoring violations; d. Properly calibrate flow measuring devices and rate-of-flow controllers;

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4. Failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours [30 TEX. ADMIN. CODE § 290.110(b)(1) and (f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		e. Post legible signs at the raw water intake location which state the area is restricted and that all recreational activities and trespassing are prohibited;
5. Failed to comply with the requirements of the a Corrective Action Plan that was a result of a Mandatory Comprehensive Performance Evaluation (MCPE) conducted from February 20, 2006 to February 24, 2006 [30 TEX. ADMIN. CODE § 290.111(f)(6)].		f. Post a legible system ownership sign at each production, treatment, and storage facility;
6. Failed to calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months [30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order, Docket No. 2004-2098-PWS-E, Ordering Provision No. 2.a.i.].		g. Conduct a proper calibration check of the benchtop turbidimeter;
7. Failed to provide a treatment plant capacity of 0.6 gallons per minute ("gpm") per connection under normal rated design flow [30 TEX. ADMIN. CODE § 290.45(b)(2)(B), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.i.].		h. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing or replacing all malfunctioning and leaking water main valves in the distribution line; and
8. Failed to provide spill containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.iv.].		i. Verify and begin maintaining the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.
9. Failed to maintain the residual disinfectant concentration throughout the distribution system at a minimum of 0.5 milligrams per liter ("mg/L" total chlorine [30 TEX. ADMIN. CODE § 290.46(d)(2)(B) and TCEQ Agreed Order, Docket No. 2006-0164-PWS-E, Ordering Provisions No. 2.b.ii.].		3. Within 60 days:
10. Failed to maintain a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.44(d) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.ii.].		a. Submit written certification demonstrating compliance with No. 2 above;
11. Failed to provide alarms to summon operators during periods when the surface water treatment plant is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(5)(F)].		b. Submit an engineering study which addresses the low pressures being experienced within the distribution system;
		c. Provide the Facility's storage tanks with a gooseneck vent or roof ventilator equipped with an approved screen to prevent entry of animals, birds, insects, and heavy contaminants;
		d. Make repairs to the Chatham storage tank to ensure that it is in strict accordance with current AWWA standards;
		e. Provide the surface water treatment plant with alarms capable of summoning operators during periods of time when the plant is not staffed; and
		f. Provide spill containment facilities for all system's liquid chemical storage tanks.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
12. Failed to provide legible signs at the raw water intake location which state that the area is restricted and that all recreational activities and trespassing are prohibited [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)]. 13. Failed to post at the Hudson pump station a legible sign containing the name of the water supply and emergency telephone numbers where a responsible official could be contacted [30 TEX. ADMIN. CODE § 290.46(t)]. 14. Failed to maintain the Chatham ground storage tank in accordance with the American water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.vi.]. 15. Failed to design the coagulant feed and metering system that applies chemicals to the water leaving the treatment system in such a manner that complete disinfection occurs to the water prior to it entering the distribution system [30 TEX. ADMIN. CODE § 290.42(f)(2)(G)]. 16. Failed to conduct a calibration check of the benchtop turbidimeter using secondary standards each time a series of samples is tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(ii)]. 17. Failed to conduct weekly calibration checks of the on-line turbidimeter [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)]. 18. Failed to provide the system's storage tanks with gooseneck vents or roof ventilators equipped with approved screens to prevent the entry of animals, birds, insects, and heavy air contaminants [30 TEX. ADMIN. CODE § 290.43(c)(1)]. 19. Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)]. 20. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].		4. Within 90 days: a. Submit written certification demonstrating compliance with No. 3 above b. Provide a treatment plant capacity of 0.6 gpm per connection. 5. Within 105 days, submit written certification demonstrating compliance with No. 4 above. 6. Within 300 days, submit written certification that either authorization to discharge wastewater has been obtained or that all discharge of wastewater has ceased until such time that appropriate authorization is obtained.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

DATES					
Assigned	20-Jul-2007				
PCW	23-Jul-2007	Screening	23-Jul-2007	EPA Due	

Respondent	City of Lawn		
Reg. Ent. Ref. No.	RN101406916		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	7965	No. of Violations	1
Docket No.	2007-1224-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Yuliya Dunaway
Multi-Media	Public Water Supply	EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $11,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 135% Enhancement — *Subtotals 2, 3, & 7* $14,850

Notes: The penalty enhancement is due to 20 prior NOVs for non-similar violations as those in the current enforcement action, one agreed final enforcement order containing a denial of liability and three agreed final enforcement orders without a denial of liability.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$528
Approx. Cost of Compliance	$2,500

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $25,850

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $25,850

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $25,850

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $25,850

PCW-A

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Water Quality

Enf. Coordinator Yuliya Dunaway

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*)	0	0%
	Other written NOVs	20	40%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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

Adjustment Percentage (Subtotal 2) 135%

>> 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: The penalty enhancement is due to 20 prior NOVs for non-similar violations as those in the current enforcement action, one agreed final enforcement order containing a denial of liability and three agreed final enforcement orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 135%

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Water Quality

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 290.42(l) and Agreed Order Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.a.

Violation Description Failed to obtain a permit from the Commission prior to any discharge of wastewater. Specifically, at the time of the investigation, the water supply did not have a wastewater discharge permit for the filter backwash discharges.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 11

984 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $11,000

Eleven quarterly events are recommended from the effective date of the Agreed Order Docket No. 2003-0324-PWS-E, November 11, 2004, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $528

Statutory Limit Test

Violation Final Penalty Total $25,850

This violation Final Assessed Penalty (adjusted for limits) $25,850

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Water Quality
Violation No. 1

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							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$2,500	11-Nov-2004	1-Feb-2009	4.2	$528	n/a	$528
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed cost includes the amount to obtain a wastewater discharge permit, ~~calculated from the~~ calculated from the effective date of the Agreed Order, Docket No. 2003-0324-PWS-E to the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,500

TOTAL: $528

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 26, 2007*

TCEQ

DATES					
Assigned	20-Jul-2007				
PCW	28-Mar-2008	Screening	23-Jul-2007	EPA Due	1-Nov-2007

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lawn		
Reg. Ent. Ref. No.	RN101406916		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	7965	No. of Violations	19
Docket No.	2007-1224-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yullya Dunaway
Multi-Media	Water Quality	EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $7,800

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 177% Enhancement — *Subtotals 2, 3, & 7* $13,806

Notes: The penalty enhancement is due to 14 prior NOVs for the same or similar violations as those in the current enforcement action, six prior NOVs for non-similar violations, one agreed final enforcement order containing a denial of liability and three agreed final enforcement orders without a denial of liability.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $0

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

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$4,538
Approx. Cost of Compliance	$18,100

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $21,606

OTHER FACTORS AS JUSTICE MAY REQUIRE — 10% — *Adjustment* $2,100

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount $23,706

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $23,706

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $23,706

PCW-B

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

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*)	14	70%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
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) 177%

>> 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

The penalty enhancement is due to 14 prior NOVs for the same or similar violations as those in the current enforcement action, six prior NOVs for non-similar violations, one agreed final enforcement order containing a denial of liability and three agreed final enforcement orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 177%

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.111(c)(2) and (c)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to properly monitor and record the turbidity level of the combined filter effluent of the public water system with a surface water source. Specifically, no combined filter effluent turbidity readings were recorded for a 31 hour period during May 2005, a 43 hour period during June 2005 and a 40 hour period during July 2005. Also individual filter effluent turbidity was not properly monitored for 17 days in October 2005.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to properly monitor and record turbidity levels of the combined filter effluent could cause customers of the water supply being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 3 | 103 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $750

Three single events (one per event) are recommended.

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

Estimated EB Amount $70 **Violation Final Penalty Total** $2,279

This violation Final Assessed Penalty (adjusted for limits) $2,279

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling	$400	1-May-2005	1-Jul-2005	0.2	$3	$67	$70
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for DELAYED costs

Notes for AVOIDED costs: The avoided costs include the amount to properly record and maintain on file the turbidity levels of the combined filter effluent, calculated for the months when the violation occurred.

Approx. Cost of Compliance: $400

TOTAL: $70

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.111(b)(1)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Exceeded the turbidity level of combined filter effluent of the public water system that treats surface water. Specifically, the exceedances of the turbidity level of combined filter effluent were documented during January 2006, February 2006, July 2006, November 2006 and December 2006.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential	x		

Harm

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to maintain the required turbidity levels could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 5 | 103 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,250

Five monthly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $546

Statutory Limit Test

Violation Final Penalty Total $3,799

This violation Final Assessed Penalty (adjusted for limits) $3,799

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$500	1-Jan-2006	1-Dec-2006	1.8	$46	$500	$546
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount to provide additional oversight and maintenance that could have prevented the exceedances, calculated for the months when the violation occurred.						

Approx. Cost of Compliance: $500

TOTAL: $546

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(1) and (f)(4), and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, a low concentration time (the product of disinfectant concentration and effective contact time) for more than four consecutive hours was documented for one day in July 2006, nine days in January 2007, two days in February 2007 and seven days in March 2007.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to disinfect the water supply for the appropriate length of time could cause customers of the water supply being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 4 | 103 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

Four single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $863

Statutory Limit Test

Violation Final Penalty Total $3,039

This violation Final Assessed Penalty (adjusted for limits) $3,039

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 3

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							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$800	1-Jul-2006	1-Mar-2007	1.6	$63	$800	$863
Notes for AVOIDED costs	The avoided costs include the amount to ensure that a proper disinfection protocol is implemented, calculated for the months when the violations occurred.						

Approx. Cost of Compliance: $800

TOTAL: $863

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway
Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.111(f)(6)

Violation Description Failed to comply with the requirements of a Corrective Action Plan that resulted from a Mandatory Comprehensive Performance Evaluation ("MCPE") conducted from February 20, 2006 to February 24, 2006.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to correct performance-limiting factors identified in MCPE could result in customers of the water system being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 — 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the date of the investigation, June 8, 2007, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $37

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$1,000	8-Jun-2007	1-Mar-2008	0.7	$37	n/a	$37
Notes for DELAYED costs	The delayed costs include the amount to correct performance-limiting factors identified in the MCPE, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,000

TOTAL: $37

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) and Agreed Order Docket No. 2004-2098-PWS-E, Ordering Provision No. 2.a.i.

Violation Description Failed to calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months. Specifically, the raw, treated and backwash flow meters had not been calibrated in the last twelve months.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have all flow measuring devices and rate-of-flow controllers properly calibrated could result in inaccurate or unavailable data of the chemical treatment effectiveness in the water provided to the customers.

Adjustment $950

$50

Violation Events

Number of Violation Events 3

421 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $150

Three single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $329

Statutory Limit Test

Violation Final Penalty Total $456

This violation Final Assessed Penalty (adjusted for limits) $456

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$300	28-May-2006	8-Jun-2007	1.9	$29	$300	$329
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount to properly calibrate the flow meters, calculated from the effective date of the Agreed Order, Docket No. 2004-2098-PWS-E, to the date of the investigation.						

Approx. Cost of Compliance: $300

TOTAL: $329

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(B), Tex. Health & Safety Code § 341.0315(c) and Agreed Order Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.i.

Violation Description Failed to provide a treatment plant capacity of 0.6 gallons per minute ("gpm") per connection under normal rated design flow. Specifically, the water system should be providing a treatment plant capacity of 180 gpm for its 300 connections. The water system currently provides 142 gpm of the treatment plant capacity, which is a 21% deficiency.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient treatment plant capacity, customers of the water supply could experience water outages and the system's ability to provide a safe and adequate supply could be compromised.

Adjustment $900

$100

Violation Events

Number of Violation Events 11 984 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,100

Eleven quarterly events are recommended from the effective date of the Agreed Order Docket No. 2003-0324-PWS-E, November 11, 2004, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,458

Statutory Limit Test

Violation Final Penalty Total $3,343

This violation Final Assessed Penalty (adjusted for limits) $3,343

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 6

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							
Equipment	$6,000	11-Nov-2004	1-May-2008	3.5	$69	$1,388	$1,458
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to provide an adequate treatment plant capacity of 0.6 gpm per connection, calculated from the effective date of the Agreed Order, Docket No. 2003-0324-PWS-E, to the estimated date of compliance.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $6,000

TOTAL: $1,458

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii) and Agreed Order Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.iv.

Violation Description Failed to provide spill containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, containment facilities were not provided for the linear alkylate sulphonate ("LAS") and Chemfloc chemical day tanks.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide spill containment facilities could expose employees of the water supply to a significant amount of chemical contamination which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

11 984 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,100

Eleven quarterly events are recommended from the effective date of the Agreed Order Docket No. 2003-0324-PWS-E, November 11, 2004, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $237

Statutory Limit Test

Violation Final Penalty Total $3,343

This violation Final Assessed Penalty (adjusted for limits) $3,343

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$1,000	11-Nov-2004	1-Apr-2008	3.4	$11	$226	$237
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The delayed costs include the amount to provide an adequate spill containment facilities, calculated from the effective date of the Agreed Order, Docket No. 2003-0324-PWS-E, to the estimated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $1,000

TOTAL: $237

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)(2)(B) and Agreed Order Docket No. 2006-0164-PWS-E, Ordering Provision No. 2.b.ii.

Violation Description Failed to maintain the residual disinfectant concentration throughout the distribution system at a minimum of 0.5 milligram per liter ("mg/L") total chlorine. Specifically, on the date of the investigation, tests at the valves at Lawn Post Office, 825 Main Street, Fire Hydrant at FM 604 and Hwy 84, 118 County Road, Hiway Grocery, Fire Hydrant at Fifth Street and Avenue E, and Lawn Baptist Church were recorded to be 0.34 mg/L, 0.10 mg/L, 0.3 mg/L, 0.14 mg/L, 0.16 mg/L, 0.29 mg/L, and 0.21 mg/L, respectively.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to maintain the required residual disinfectant concentration could expose the system to a significant amount of pollutants that would not exceed levels protective of human health.

Adjustment $900

$100

Violation Events

1 262 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $99

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
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				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	3-Nov-2006	1-Apr-2008	1.4	$5	$94	$99
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to develop a program to consistently maintain the required residual disinfectant concentration throughout the distribution system, calculated from the date of the effective date of the Agreed Order, Docket No. 2006-0164-PWS-E, to the estimated date of compliance.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $99

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d) and Agreed Order Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.ii.

Violation Description Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, on the date of the investigation, distribution system pressure levels at 825 Main Street, Lawn Baptist Church and 118 County Road were recorded to be 31 psi, 33 psi and 20 psi, respectively.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without adequate minimum pressure throughout the distribution system, customers of the water system could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 984 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $474

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$2,000	11-Nov-2004	1-Apr-2008	3.4	$23	$452	$474
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to develop a program to consistently maintain the required minimum pressure throughout the distribution system at all times, calculated from the date of the effective date of the Agreed Order, Docket No. 2003-0324-PWS-E, to the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,000

TOTAL: $474

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(5)(F)

Violation Description Failed to provide alarms to summon operators during periods when the surface water treatment plant is not staffed.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide alarms to summon operators could result in poor plant operation and could expose customers of the water supply to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 — 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended, calculated from the date of the investigation, June 8, 2007, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $114

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$2,000	8-Jun-2007	1-Apr-2008	0.8	$5	$109	$114
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to provide alarms to summon operators during periods when the surface water treatment plant is not staffed, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $2,000

TOTAL: $114

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.41(e)(2)(C)

Violation Description Failed to provide legible signs at the raw water intake location which state that the area is restricted and all recreational activities and trespassing are prohibited. Specifically, at the time of the investigation, the restricted access sign at the raw water intake was not legible.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide a restricted zone with a legible sign could result in trespassing and could cause the exposure of the water supply to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1

45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $152

This violation Final Assessed Penalty (adjusted for limits) $152

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 11

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							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	8-Jun-2007	1-Mar-2008	0.7	$0	$10	$10
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed cost includes the amount to provide a restricted zone with a legible signs, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $10

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 12

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

Violation Description Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted. Specifically, it was noted that the Hudson pump station did not have an ownership sign.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirements are not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 45 Number of violation days

mark only one with an x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	8-Jun-2007	1-Mar-2008	0.7	$0	$10	$10
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed cost includes the amount to post the proper sign at the Hudson pump station, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $10

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8) and Agreed Order Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.vi.

Violation Description Failed to maintain the Chatham ground storage tank in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, the exterior paint on the ground storage tank was deteriorated.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to maintain a ground storage tank in accordance with AWWA standards could compromise the sanitary nature of the drinking water and expose customers of the water supply to a significant amount of contaminants at levels that would not exceed levels protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 11 984 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,100

Eleven quarterly events are recommended from the effective date of the Agreed Order Docket No. 2003-0324-PWS-E, November 11, 2004, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $71

Statutory Limit Test

Violation Final Penalty Total $3,343

This violation Final Assessed Penalty (adjusted for limits) $3,343

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7985
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$300	11-Nov-2004	1-Apr-2008	3.4	$3	$68	$71
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to properly maintain the ground storage tank, calculated from the effective date of the Agreed Order, Docket No. 2003-0324-PWS-E, to the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $300

TOTAL: $71

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Respondent City of Lawn

Case ID No. 7965

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(2)(G)

Violation Description Failed to design the coagulant feed and metering system that applies chemicals to the water leaving the treatment system in such a manner that complete disinfection occurs to the water prior to it entering the distribution system. Specifically, it was noted that the system experienced difficulties with maintaining a constant residual disinfectant level in the water leaving the treatment system.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to properly design the coagulant feed and metering system that applies chemicals to the water could expose the customers of the water system to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1

45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the date of the investigation, June 8, 2007, to the screening date, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $46

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$1,000	8-Jun-2007	1-Feb-2008	0.7	$2	$43	$46
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to properly design the coagulant feed and metering system that applies chemicals to the water, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $1,000

TOTAL: $46

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(ii)

Violation Description Failed to conduct a calibration check of the benchtop turbidimeter using secondary standards each time a series of samples is tested. Specifically, daily calibration checks for the benchtop turbidimeter were not conducted.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to calibrate the benchtop turbidimeter could result in the water system inaccurately monitoring the turbidity and customers of the water supply being exposed to a significant amount of contamination which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $26

Statutory Limit Test

Violation Final Penalty Total $304

This violation Final Assessed Penalty (adjusted for limits) $304

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$500	8-Jun-2007	1-Mar-2008	0.7	$1	$24	$26
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to develop a program to ensure that calibration checks are performed, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $500

TOTAL: $26

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(iv)

Violation Description Failed to conduct a weekly calibration check of the on-line turbidimeter. Specifically, weekly calibration checks for the on-line turbidimeter were not conducted.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to calibrate the on-line turbidimeter could result in the water system inaccurately monitoring the turbidity and customers of the water supply being exposed to an insignificant amount of contamination which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 | 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $152

This violation Final Assessed Penalty (adjusted for limits) $152

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	The delayed costs for this violation are addressed in Violation No. 15.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(1)

Violation Description Failed to provide the system's storage tanks with gooseneck vents or roof ventilators equipped with approved screens to prevent entry of animals, birds, insects and heavy air contaminants. Specifically, the roof vents on the Hudson storage tank and the Lawn standpipe were corroded.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to screen the vents on the ground storage tank could allow a significant amount of contaminants to enter the system which would exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 2 — 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $200

Two quarterly events (one for each location) are recommended from the date of the investigation, June 8, 2007, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $608

This violation Final Assessed Penalty (adjusted for limits) $608

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	8-Jun-2007	1-Apr-2008	0.8	$1	$11	$11
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed cost include the amount to repair the roof ventilator on the Hudson storage tank and the Lawn standpipe, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $11

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 18

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

Violation Description Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, the water main valve located at the intersection of Farm-to-Market Road 604 and Highway 84 was malfunctioning, and the water main located at County Road 202 was leaking.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to maintain the water system mains in a working and/or watertight condition, could allow a significant amount of contaminants to enter the system which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 2 | 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $200

Two quarterly events (one per water main) are recommended from the date of the investigation, June 8, 2007, to the date of screening, July 23, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $608

This violation Final Assessed Penalty (adjusted for limits) $608

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 18

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							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$400	8-Jun-2007	1-Mar-2008	0.7	$1	$20	$20
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: The delayed costs include the amount to repair the main valve and the leak, 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				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $400

TOTAL: $20

Screening Date 23-Jul-2007 **Docket No.** 2007-1224-MLM-E **PCW**

Respondent City of Lawn *Policy Revision 2 (September 2002)*

Case ID No. 7965 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101406916

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 19

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)

Violation Description Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to verify the accuracy of the disinfectant analyzers could result in customers of the water supply being exposed to an insignificant amounts of contamination which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 | 45 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $105

Statutory Limit Test

Violation Final Penalty Total $152

This violation Final Assessed Penalty (adjusted for limits) $152

Economic Benefit Worksheet

Respondent City of Lawn
Case ID No. 7965
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]	$100	8-May-2007	8-Jun-2007	1.0	$5	$100	$105
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount to verify the accuracy of the chlorine residual analyzers once per month, calculated for the month prior to the investigation date.						

Approx. Cost of Compliance: $100

TOTAL: $105

Compliance History

Customer/Respondent/Owner-Operator:	CN600738868	City of Lawn	Classification:	Rating:
Regulated Entity:	RN101406916	CITY OF LAWN	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING		REGISTRATION LICENSE	2210005 2210005
Location:	150 MAIN ST, LAWN, TAYLOR COUNTY,TX			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	July 20, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 20, 2002 to July 20, 2007			

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

Name: Yuliya Dunaway Phone: (210) 403-4077

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

Components (Multimedia) for the Site :

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

Effective Date: 11/11/2004 ADMINORDER 2003-0324-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)[G]
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide minimum water system capacity of .6 gpm per connection.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(h)
Description: Failure to obtain wastewater discharge permit for the disposal of filtration backwash water.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to maintain a minimum pressure of 35 psi at all points w/in the distribution network.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to conduct annual water storage tank inspections.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(2)
Description: Failure to conduct annual internal storage tank inspections on pressure filters.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)
Description: Failure to properly complete monthly operational reports in accordance with chlorine tracer study process parameters.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)(I)
Description: Failure to provide spill containment facilities for chemical storage tanks.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to properly screen vents on water storage facilities.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failure to provide 30 inch access opening on water storage facilities.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to properly maintain exterior surfaces on water storage facilities.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)
Description: Failure to provide proper inlet and outlet connections on water storage facilities.

Effective Date: 05/12/2006 ADMINORDER 2005-1136-PWS-E

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: VIOLATED THE MCL FOR HAA5 IN THE FOURTH QUARTER OF 2004

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: VIOLATED THE MCL FOR HAA5 IN THE FIRST QUARTER OF 2005

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: VIOLATED THE MCL FOR TTHM IN THE THIRD QUARTER OF 2004

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: VIOLATED THE MCL FOR TTHM IN THE FOURTH QUARTER OF 2004

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: VIOLATED THE MCL FOR TTHM IN THE FIRST QUARTER OF 2005

Effective Date: 05/28/2006 ADMINORDER 2004-2098-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
Description: FAILURE TO PROVIDE A B-SURFACE WATER OPERATOR.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: FAILURE TO CALIBRATE BACKWASH AND TREATED FLOW METERS EVERY 12 MONTHS.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: FAILURE TO REMOVE AND CLEAN OUT SLUDGE PONDS.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(C)
Description: FAILURE TO CONDUCT ANNUAL INSPECTIONS OF ALL WATER STORAGE TANKS.

Effective Date: 11/03/2006 ADMINORDER 2006-0164-PWS-E

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: Failure to provide 35 psi throughout the distribution.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: Failure to provide a chlorine residual of 0.5 mg/L in the distribution system.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failure to install backflow prevention assemblies or air gaps at all establishments where a potential contamination hazard exists.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to maintain a wsater storage tank thoroughly tight against leakage.. Specifically, a 0.096 MG standpipe was leaking.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain good maintenance and housekeeping practices to ensure the good working condition and operating appearances of the system's facilities and equipment. Specifically, the City failed to clean out the sludge ponds and mow around the 0.096 MG standpipe.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)
Description: Failure to employ at least one operator who hlolds a class "B" or higher surface water license. Specifically, the City failed to employ a certified licensed class "B" surface water operator and a class "C" operator during operating hours.

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A

1	07/22/2002	(IE0015092002001
2	08/29/2002	(10246)
3	05/10/2004	(270719)
4	10/19/2004	(453192)
5	12/13/2004	(344127)
6	01/05/2005	(453198)
7	01/25/2005	(453084)
8	04/21/2005	(453209)
9	04/27/2005	(453183)
10	06/23/2005	(396452)
11	01/13/2006	(451379)
12	01/13/2006	(451368)
13	06/29/2006	(484658)
14	09/26/2006	(512040)
15	04/20/2007	(557080)
16	06/13/2007	(564213)
17	06/14/2007	(564291)
18	06/14/2007	(564321)
19	06/14/2007	(564282)
20	06/14/2007	(564275)
21	06/14/2007	(564299)
22	06/14/2007	(564327)
23	06/14/2007	(564336)
24	06/14/2007	(564314)
25	06/14/2007	(564345)
26	06/14/2007	(564277)
27	06/14/2007	(564306)
28	06/15/2007	(564395)
29	06/20/2007	(564802)

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

Date: 05/03/2004 (270719)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)
Description: FAILURE TO PROVIDE A "B" SURFACE OPERATOR.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)
Description: FAILURE TO PROVIDE STANDBY ALUM FEEDER PUMP.

Date: 10/19/2004 (453192)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2004.

Date: 01/05/2005 (453198)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.

Date: 01/25/2005 (453084)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: Violated the maximum contaminant level for haloacetic acids in the fourth quarter of 2004.

Date: 04/21/2005 (453209)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.

Date: 04/27/2005 (453183)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: Violated the maximum contaminant level for haloacetic acids in the first quarter of 2005.

Date: 09/26/2005 (455030)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: FAILURE TO PROVIDE ADEQUATE CHLORINE RESIDUAL AT LEAST 0.5 MG/L.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: FAILURE TO PROVIDE WATER PRESSSURE TO 35 PSI MINIMUM.
Date: 10/26/2005 (564277)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)
Description: July 2005 - 40 four hour periods plant was online and no combined filter effluent turbidity readings recorded.
Date: 10/26/2005 (564213)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)
Description: May 2005 - 31 four hour periods when the plant was on-line and no combined filter effluent turbidity readings were reported.
Date: 10/26/2005 (564275)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)
Description: June 2005 - 43 four hour periods plant was online and no combined filter effluent turbidity readings recorded.
Date: 12/09/2005 (564282)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(4)(A)
Description: October 2005 - 17 days when individual filter effluent turbidity was not properly monitored.
Date: 03/27/2006 (564291)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
Description: January 2006 - 5.6% of the combined filter effluent turbidity above 0.3 NTU, exceeding the 5% limit.
Date: 05/11/2006 (564299)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)
Description: February 2006 - 5.8% of the combined filter effluent turbidity above 0.3 NTU, exceeding the 5% limit.
Date: 06/29/2006 (484658)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: FAILURE TO MAINTAIN DISTRIBUTION SYSTEM (WATER MAIN VALVE MALFUNCTIONING)

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)[G]
Description: FAILURE TO ELIMINATE CROSS CONNECTION ON FILTER NO. 4
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(vi)
Description: FAILURE TO MEET 0.6 GPM PER CONNECTION WITH LARGEST FILTER OUT OF SERVICE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(5)(F)
Description: FAILURE TO PROVIDE ALARM SYSTEM WHICH CONTACTS CURRENT OPERATOR

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
Description: FAILURE TO PROVIDE LOCKING DEVICE ON RAW WATER INTAKE BUILDING

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: FAILURE TO PROVIDE LEGIBLE 200' RESTRICTED ACCESS AT RAW INTAKE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: FAILURE TO MAINTAIN TREATED WATER METER (MALFUNCTIONING)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: FAILURE TO MAINTAIN EXTERIOR PAINT ON CHATHAM GROUND STORAGE
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(2)(G)[G]
Description: FAILURE TO PROVIDE MINIMUM DISINFECTION LEVELS IN DISTRIBUTION

SYSTEM

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

Description: FAILURE TO CALIBRATE ONLINE NTU METERS EVERY 90 DAYS

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: FAILURE TO MAINTAIN CALIBRATION RECORDS FOR LABORATORY EQUIPMENT

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Description: FAILURE TO CONDUCT WEEKLY ONLINE AND BENCH TOP CALIBRATION CHECKS

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)

Description: FAILURE TO CONDUCT DAILY CALIBRATION CHECK ON BENCH TOP NTU METER (2100P)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)

Description: FAILURE TO CONDUCT 90 CALIBRATIONS ON BENCH TOP NTU METER (2100P)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)

Description: FAILURE TO CONDUCT 90 DAY CALIBRATION ON ONLINE CHLORINE ANALYZER

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: FAILURE TO MAINTAIN ROOF VENTS ON HUDSON GROUND STORAGE AND LAWN STANDPIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: FAILURE TO COMPLETE SWMORS WITH CORRECT DISINFECTION DATA.

Date: 09/01/2006 (564306)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

Description: July 2006 - 10.3% of the combined filter effluent turbidity above 0.3 NTU, exceeding the 5% limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: July 2006 - 1 day with a low CT for more than 4 consecutive hours.

Date: 12/22/2006 (564314)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

Description: November 2006 - 6.5% of the combined filter effluent turbidity above 0.3 NTU, exceeding the 5% limit.

Date: 01/30/2007 (564321)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

Description: December 2006 - 33.3% of the combined filter effluent turbidity above 0.3 NTU, exceeding the 5% limit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)

Description: December 2006 - 6 days combined filter effluent turbidity readings above 1.0 NTU.

Date: 04/06/2007 (564336)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: February 2007 - 2 days with low CT for more than 4.0 consecutive hours.

Date: 05/07/2007 (564345)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: March 2007 - 7 days with low CT for more than 4.0 consecutive hours.

Date: 06/14/2007 (564327)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)

Description: January 2007 - 9 days with low CT for more than 4.0 consecutive hours.

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 LAWN; RN101406916	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1224-MLM -E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Lawn ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and the City presented this agreement to the Commission.

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

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

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

FINDINGS OF FACT

1. The City owns and operates a public water supply system (the "Facility") and a surface water treatment plant (the "Plant") located at 150 Main Street, Lawn, Taylor County, Texas.

2. The Facility provides water for human consumption, has approximately 300 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(47). The Plant has discharged waste into or adjacent to any water in the state or has committed

another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

3. During an investigation conducted on February 16, 2007, a TCEQ Abilene Regional Office investigator documented that the City failed to obtain a permit from the Commission prior to discharging wastewater. Specifically, the water supply did not have a wastewater discharge permit for the filter backwash discharges.

4. During a record review conducted on April 11, 2007, a TCEQ Central Office staff member documented that the City:

   a. Failed to properly monitor and record the turbidity level of the combined filter effluent of the public water system with a surface water source. Specifically, no combined filter effluent turbidity readings were recorded for a 31 hour period during May 2005, a 43 hour period during June 2005, and a 40 hour period during July 2005. Also, individual filter effluent turbidity was not properly monitored for 17 days in October 2005.

   b. Exceeded the turbidity level of combined filter effluent of the public water system that treats surface water. Specifically, the exceedances of the turbidity level of combined filter effluent were documented during January 2006, February 2006, July 2006, November 2006, and December 2006.

   c. Failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, a low concentration time (the product of disinfectant concentration and effective contact time) for more than four consecutive hours was documented for one day in July 2006, nine days in January 2007, two days in February 2007, and seven days in March 2007.

5. During an investigation conducted on June 8, 2007, a TCEQ Abilene Regional Office investigator documented that the City:

   a. Failed to comply with the requirements of a Corrective Action Plan that was a result of a Mandatory Comprehensive Performance Evaluation (MCPE) conducted from February 20, 2006 to February 24, 2006.

   b. Failed to calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months. Specifically, the raw, treated, and backwash flow meters had not been calibrated in the last twelve months.

c. Failed to provide a treatment plant capacity of 0.6 gallons per minute ("gpm") per connection under normal rated design flow. Specifically, the water system should be providing a treatment plant capacity of 180 gpm for its 300 connections. The water system currently provides 142 gpm of the treatment plant capacity, which is a 21% deficiency.

d. Failed to provide spill containment facilities for all liquid chemical storage tanks. Specifically, containment facilities were not provided for the linear alkylate sulphonate ("LAS") and Chemfloc chemical day tanks.

e. Failed to maintain the residual disinfectant concentration throughout the distribution system at a minimum of 0.5 milligrams per liter ("mg/L") total chlorine. Specifically, on the date of the investigation, tests at the valves at Lawn Post Office, 825 Main Street, Fire Hydrant at FM 604 and Highway 84, 118 County Road, Hiway Grocery, Fire Hydrant at Fifth Street and Avenue E, and Lawn Baptist Church were recorded to be 0.34 mg/L, 0.10 mg/L, 0.3 mg/L, 0.14 mg/L, 0.16 mg/L, 0.29 mg/L, and 0.21 mg/L, respectively.

f. Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system at all times. Specifically, on the date of the investigation, the distribution system pressure levels at 825 Main Street, Lawn Baptist Church, and 118 County Road were recorded to be 31 psi, 33 psi, and 20 psi, respectively.

g. Failed to provide alarms to summon operators during periods when the surface water treatment plant is not staffed.

h. Failed to provide legible signs at the raw water intake location which state that the area is restricted and that all recreational activities and trespassing are prohibited. Specifically, at the time of the investigation, the restricted access sign at the raw water intake was not legible.

i. Failed to post at the Hudson pump station a legible sign containing the name of the water supply and emergency telephone numbers where a responsible official could be contacted.

j. Failed to maintain the Chatham ground storage tank in accordance with the American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, the exterior paint on the ground storage tank was deteriorated.

k. Failed to design the coagulant feed and metering system that applies chemicals to the water leaving the treatment system in such a manner that complete disinfection

occurs to the water prior to it entering the distribution system. Specifically, it was noted that the system experienced difficulties with maintaining a constant residual disinfectant level in the water leaving the treatment system.

l. Failed to conduct a calibration check of the benchtop turbidimeter using secondary standards each time a series of samples is tested. Specifically, daily calibration checks for the benchtop turbidimeter were not conducted.

m. Failed to conduct weekly calibration checks of the on-line turbidimeter.

n. Failed to provide the system's storage tanks with gooseneck vents or roof ventilators equipped with approved screens to prevent the entry of animals, birds, insects, and heavy air contaminants. Specifically, the roof vents on the Hudson storage tank and the Lawn standpipe were corroded.

o. Failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the water main valve located at the intersection of Farm-to-Market Road 604 and Highway 84 was malfunctioning and the water main located at County Road 202 was leaking.

p. Failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations.

6. The City received notice of the violations on or about October 26, 2005, December 9, 2005, March 27, 2006, May 11, 2006, September 1, 2006, December 22, 2006, January 30, 2007, April 6, 2007, May 7, 2007, June 14, 2007, June 15, 2007, and June 19, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact Nos. 1 and 2, the City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the City failed to obtain a permit from the Commission prior to discharging wastewater, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 290.42(i), and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.a.

3. As evidenced by Finding of Fact No. 4.a., the City failed to properly monitor and record the turbidity level of the combined filter effluent of the public water system with a surface water

source, in violation of 30 TEX. ADMIN. CODE § 290.111(c)(2) and (c)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

4. As evidenced by Finding of Fact No. 4.b., the City exceeded the turbidity level of combined filter effluent of the public water system that treats surface water, in violation of 30 TEX. ADMIN. CODE § 290.111(b)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

5. As evidenced by Finding of Fact No. 4.c., the City failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(1) and (f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

6. As evidenced by Finding of Fact No. 5.a., the City failed to comply with the requirements of a Corrective Action Plan that was a result of a MCPE conducted from February 20, 2006 to February 24, 2006, in violation of 30 TEX. ADMIN. CODE § 290.111(f)(6).

7. As evidenced by Finding of Fact No. 5.b, the City failed to calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order, Docket No. 2004-2098-PWS-E, Ordering Provision No. 2.a.i.

8. As evidenced by Finding of Fact No. 5.c., the City failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(B), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.i.

9. As evidenced by Finding of Fact No. 5.d., the City failed to provide spill containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.iv.

10. As evidenced by Finding of Fact No. 5.e., the City failed to maintain the residual disinfectant concentration throughout the distribution system at a minimum of 0.5 mg/L total chlorine, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(B) and TCEQ Agreed Order, Docket No. 2006-0164-PWS-E, Ordering Provision No. 2.b.ii.

11. As evidenced by Finding of Fact No. 5.f., the City failed to maintain a minimum pressure of 35 psi throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.44(d) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.ii.

12. As evidenced by Finding of Fact No. 5.g., the City failed to provide alarms to summon operators during periods when the surface water treatment plant is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(5)(F).

13. As evidenced by Finding of Fact No. 5.h., the City failed to provide legible signs at the raw water intake location which state that the area is restricted and that all recreational activities and trespassing are prohibited, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).

14. As evidenced by Finding of Fact No. 5.i., the City failed to post at the Hudson pump station a legible sign containing the name of the water supply and emergency telephone numbers where a responsible official could be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).

15. As evidenced by Finding of Fact No. 5.j., the City failed to maintain the Chatham ground storage tank in accordance with the AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8) and TCEQ Agreed Order, Docket No. 2003-0324-PWS-E, Ordering Provision No. 2.b.vi.

16. As evidenced by Finding of Fact No. 5.k., the City failed to design the coagulant feed and metering system that applies chemicals to the water leaving the treatment system in such a manner that complete disinfection occurs to the water prior to it entering the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(2)(G).

17. As evidenced by Finding of Fact No. 5.l., the City failed to conduct a calibration check of the benchtop turbidimeter using secondary standards each time a series of samples is tested, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(ii).

18. As evidenced by Finding of Fact No. 5.m., the City failed to conduct weekly calibration checks of the on-line turbidimeter, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv).

19. As evidenced by Finding of Fact No. 5.n., the City failed to provide the system's storage tanks with gooseneck vents or roof ventilators equipped with approved screens to prevent the entry of animals, birds, insects, and heavy air contaminants, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1).

20. As evidenced by Finding of Fact No. 5.o., the City failed to initiate maintenance housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

21. As evidenced by Finding of Fact No. 5.p., the City failed to verify the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).

22. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

23. An administrative penalty in the amount of forty-nine thousand five hundred fifty-six dollars ($49,556.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The City has paid one thousand one hundred forty-six dollars ($1,146.00) of the administrative penalty. The remaining amount of forty-eight thousand four hundred ten dollars ($48,410.00) of the administrative penalty shall be payable in 47 monthly payments of one thousand thirty dollars ($1,030.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Conclusion of Law No. 23, above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Lawn; Docket No. 2007-1224-MLM-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 undertake the following technical requirements:

a. Immediately upon the effective date of this Commission Order, the City shall:

i. Begin maintaining the residual disinfectant concentration throughout the distribution system at a minimum of 0.5 mg/L total chlorine, as required by 30 TEX. ADMIN. CODE § 290.46.

ii. Begin properly monitoring and recording the turbidity levels of the combined filter effluent, as required by 30 TEX. ADMIN. CODE § 290.111.

iii. Implement procedures to ensure that the turbidity level of combined filter effluent is achieved, as required by 30 TEX. ADMIN. CODE § 290.111.

iv. Implement procedures to ensure that the water system meets the requirements of the disinfection protocol, as required by 30 TEX. ADMIN. CODE § 290.110.

v. Implement procedures to ensure a continuous application of coagulants to the water in mixing basins or chambers to ensure that complete disinfection occurs to the water prior to it entering the distribution system, as required by 30 TEX. ADMIN. CODE § 290.42.

vi. Begin conducting weekly calibration checks of the on-line turbidimeter, as required by 30 TEX. ADMIN. CODE § 290.46.

b. Within 30 days after the effective date of this Commission Order, the City shall:

i. Submit written certification of compliance as described below in Ordering Provision No. 2.f., that demonstrates compliance with Ordering Provision No. 2.a.

ii. Submit an administratively complete wastewater discharge permit application, as required by 30 TEX. ADMIN. CODE ch. 305 (relating to consolidated Permits) to:

Water Quality Application Team, Permits Administrative Review Section
Registration, Review, and Reporting Division, MC 161
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

iii. Correct performance-limiting factors identified during the February 20 through February 24, 2006 MCPE for the disinfectant monitoring violations, as required by 30 TEX. ADMIN. CODE § 290.111.

iv. Properly calibrate flow measuring devices and rate-of-flow controllers, as required by 30 TEX. ADMIN. CODE § 290.46.

v. Post legible signs at the raw water intake location which state that the area is restricted and that all recreational activities and trespassing are prohibited, as required by 30 TEX. ADMIN. CODE § 290.41.

vi. Post a legible system ownership sign at each production, treatment, and storage facility, as required by 30 TEX. ADMIN. CODE § 290.46.

vii. Conduct a proper calibration check of the benchtop turbidimeter, as required by 30 TEX. ADMIN. CODE § 290.46.

viii. Initiate maintenance and housekeeping practices to ensure good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing or replacing all malfunctioning and leaking water main valves in the distribution line, as required by 30 TEX. ADMIN. CODE § 290.46.

ix. Verify and begin maintaining the accuracy of manual disinfectant residual analyzers in the chlorine residual test kit at least once every 30 days using chlorine solutions of known concentrations, as required by 30 TEX. ADMIN. CODE § 290.46.

c. Within 60 days after the effective date of this Commission Order, the City shall:

i. Submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.b.

ii. Submit an engineering study which addresses the low pressures being experienced within the distribution system. This study shall include plans

and specifications, which have been prepared by a registered professional engineer, for any system improvements needed to maintain a minimum pressure of 35 psi at all points within the distribution network at flow rates of a least 1.5 gpm, as required by 30 TEX. ADMIN. CODE § 290.44. These plans and specifications shall be submitted to:

Rate Analysis & Plan Review Team, Utilities & Districts Section
Water Supply Division, Mc 153
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

iii. Provide the Facility's storage tanks with a gooseneck vent or roof ventilator equipped with an approved screen to prevent entry of animals, birds, insects, and heavy contaminants, as required by 30 TEX. ADMIN. CODE § 290.43.

iv. Make repairs to the Chatham storage tank to ensure that it is in strict accordance with current AWWA standards, as required by 30 TEX. ADMIN. CODE § 209.43.

v. Provide the surface water treatment plant with alarms capable of summoning operators during periods of time when the plant is not staffed, as required by 30 TEX. ADMIN. CODE § 290.46.

vi. Provide spill containment facilities for all system's liquid chemical storage tanks, as required by 30 TEX. ADMIN. CODE § 290.42.

d. Within 90 days of the effective date of the Commission Order, the City shall:

i. Submit written certification as described in Ordering Provision 2.f. below, and include detailed support documentation to demonstrate compliance with Ordering Provision No. 2.c.

ii. Provide a treatment plant capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45.

e. Within 105 days after the effective date of this Commission Order, the City shall submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.d.

f. Within 300 days after the effective date of the Commission Order, the City shall submit written certification that either authorization to discharge wastewater has been obtained or that all discharge of wastewater has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

> "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The City shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Cliff Moore, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Blvd.
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility and Plant referenced in this Agreed Order.

4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. the City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the

City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order 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

_____ 11/11/08
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 my failure to comply with the Ordering Provisions, if any, in this order and/or the City of Lawn's failure to timely pay the penalty amount, may result in:

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

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

Veronica Bloson 9/25/08
Signature Date

Veronica Burleson Mayor
Name (Printed or typed) Title
City of Lawn