

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1558-PWS-E **TCEQ ID:** RN102692621 **CASE NO.:** 36582

**RESPONDENT NAME:** City of New Summerfield

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of New Summerfield, 13280 State Highway 110 North, New Summerfield, Cherokee County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 25, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable Dan Stallings, Mayor, City of New Summerfield, P.O. Box 38, New Summerfield, Texas 75780-0038; Mr. Joshua Peeples, Utilities Director, City of New Summerfield, P.O. Box 38, New Summerfield, Texas 75780-0038  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 17, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide Facility records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), and 290.46(f)(3)(E)(iv)].</p> <p>2) Failure to provide a sanitary control easement that covers the land within 150 feet of Well No. 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>3) Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].</p> <p>4) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>5) Failure to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0351].</p> <p>6) Failure to calibrate two of the Facility's</p>	<p><b>Total Assessed:</b> \$2,492</p> <p><b>Total Deferred:</b> \$498  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$194 (remaining \$1,800 due in 18 monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>1) Within 10 days after the effective date of this Agreed Order:</p> <p>a) Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once per day; and</p> <p>b) Begin collecting routine distribution coliform samples at locations specified in the Facility's monitoring plan.</p> <p>2) Within 25 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 1.</p> <p>3) Within 30 days after the effective date of this Agreed Order:</p> <p>a) Begin maintaining copies of all operating records relating to the Facility, including but not limited to flushing records and copies of all customer service inspection certifications, including the certifications for the plant farms, and ensure these records are readily accessible at the time of Commission inspections;</p> <p>b) Calibrate the well meters; and</p> <p>c) Notify the Commission of the existing in-line booster pump station on State Highway 79 East.</p> <p>4) Within 45 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 3.</p> <p>5) Within 60 days after the effective date of this Agreed Order, secure a sanitary control easement covering all property</p>

<p>well meters once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>7) Failure to collect routine distribution coliform samples at locations specified in the Facility's monitoring plan [30 TEX. ADMIN. CODE § 290.109(c)(1)(B)].</p>		<p>within 150 feet of Well No. 2.</p> <p>6) Within 75 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 5.</p> <p>7) Within 180 days after the effective date of this Agreed Order, provide two or more service pumps having a total capacity of 2.0 gpm per connection.</p> <p>8) Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 7.</p>
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Additional ID No(s): PWS 0370028





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	15-Sep-2008	Screening	23-Sep-2008	EPA Due	
	PCW	23-Sep-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	City of New Summerfield
Reg. Ent. Ref. No.	RN102692621
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36582	No. of Violations	7
Docket No.	2008-1558-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
Admin. Penalty \$ Limit Minimum	\$50	EC's Team	Enforcement Team 2
Maximum	\$1,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,860</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>34.0% Enhancement</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$632</b>
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Notes: The penalty enhancement is due to one prior agreed final enforcement order containing a denial of liability, two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, and two dissimilar NOVs.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$2,235  
 Approx. Cost of Compliance: \$6,220  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,492</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$2,492</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,492</b>
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<b>DEFERRAL</b>	<b>20.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>-\$498</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,994</b>
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**Screening Date** 23-Sep-2008

**Docket No.** 2008-1558-PWS-E

**PCW**

**Respondent** City of New Summerfield

Policy Revision 2 (September 2002)

**Case ID No.** 36582

PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN102692621

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 34%

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

N/A

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes** The penalty enhancement is due to one prior agreed final enforcement order containing a denial of liability, two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action, and two dissimilar NOVs.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 34%

<b>Screening Date</b> 23-Sep-2008 <b>Respondent</b> City of New Summerfield <b>Case ID No.</b> 36582 <b>Reg. Ent. Reference No.</b> RN102692621 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2008-1558-PWS-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i>														
<b>Rule Cite(s)</b> <div style="border: 1px solid black; padding: 5px;">                     30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(iv), and 290.46(f)(3)(E)(iv)                 </div>															
<b>Violation Description</b> <div style="border: 1px solid black; padding: 5px;">                     Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide copies of customer service inspection certificates for the numerous plant farms and records demonstrating that the dead-end mains were being flushed.                 </div>															
<b>Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,000"/>															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>															
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Harm</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Release</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text" value="0%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	<b>Harm</b>	Major	Moderate	Minor		Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Harm</b>	Major	Moderate	Minor												
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>											
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>												
<b>&gt;&gt; Programmatic Matrix</b>															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Falsification</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text" value="1%"/></td> </tr> </table>	<b>Falsification</b>	Major	Moderate	Minor		<input type="text"/>	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input style="width: 50px;" type="text" value="1%"/>				
<b>Falsification</b>	Major	Moderate	Minor												
<input type="text"/>	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input style="width: 50px;" type="text" value="1%"/>											
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">                     Less than 30% of the rule requirement was not met.                 </div>														
<b>Adjustment</b> <input style="width: 100px;" type="text" value="\$990"/>															
<input style="width: 100px;" type="text" value="\$10"/>															
<b>Violation Events</b>															
<table style="width:100%;"> <tr> <td style="width:50%;"> <b>Number of Violation Events</b> <input style="width: 50px;" type="text" value="1"/> </td> <td style="width:50%;"> <input style="width: 50px;" type="text" value="70"/> <b>Number of violation days</b> </td> </tr> </table>		<b>Number of Violation Events</b> <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="70"/> <b>Number of violation days</b>												
<b>Number of Violation Events</b> <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="70"/> <b>Number of violation days</b>														
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x		
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	x														
<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$10"/>															
<div style="border: 1px solid black; padding: 5px; text-align: center;">                 One single event is recommended.             </div>															
<b>Good Faith Efforts to Comply</b>															
<b>0.0% Reduction</b> <input style="width: 100px;" type="text" value="\$0"/>															
<table style="width:100%;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)		
	Before NOV	NOV to EDRP/Settlement Offer													
Extraordinary	<input type="text"/>	<input type="text"/>													
Ordinary	<input type="text"/>	<input type="text"/>													
N/A	x	(mark with x)													
<b>Notes</b>	<div style="border: 1px solid black; padding: 5px;">                 The Respondent does not meet the good faith criteria for this violation.             </div>														
<b>Violation Subtotal</b> <input style="width: 100px;" type="text" value="\$10"/>															
<b>Economic Benefit (EB) for this violation</b>															
<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b> <input style="width: 100px;" type="text" value="\$13"/>	<b>Violation Final Penalty Total</b> <input style="width: 100px;" type="text" value="\$13"/>														
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$13"/>															

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$150	30-Jul-2007	1-May-2009	1.76	\$13	n/a	\$13
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the amount to maintain, provide and make accessible all Facility operating records during investigations, calculated from the initial date the violation was documented to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$150

**TOTAL** \$13

<b>Screening Date</b> 23-Sep-2008	<b>Docket No.</b> 2008-1558-PWS-E	<b>PCW</b>	
<b>Respondent</b> City of New Summerfield		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36582		<small>PCW Revision June 12, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102692621			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Epifanio Villarreal			
<b>Violation Number</b> 2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(F)		
<b>Violation Description</b>	Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2.		
	<b>Base Penalty</b>	\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	5%
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	Minor		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Percent
			0%
<b>Matrix Notes</b>	Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that would not exceed levels protective of human health.		
	<b>Adjustment</b>	\$950	
		\$50	
<b>Violation Events</b>			
	Number of Violation Events	1	Number of violation days
		70	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
	One single event is recommended.		\$50
<b>Good Faith Efforts to Comply</b>			
	0.0% Reduction	\$0	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	\$50	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	\$27	Violation Final Penalty Total	\$67
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$67

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 2

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	30-Jul-2007	1-Jul-2009	1.92	\$1	\$26	\$27
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**      The delayed cost includes the amount to obtain a sanitary control easement for Well No. 2, calculated from the initial date the violation was documented to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance      \$200

**TOTAL**      \$27

<p><b>Screening Date</b> 23-Sep-2008  <b>Respondent</b> City of New Summerfield  <b>Case ID No.</b> 36582  <b>Reg. Ent. Reference No.</b> RN102692621  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Epifanio Villarreal  <b>Violation Number</b> 3  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.110(c)(4)(B)  <b>Violation Description</b>                  Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, at the time of the investigation, it was documented that the Respondent was only monitoring the disinfectant residuals at the wells and not rotating the monitoring among the five representative sites on the monitoring plan. Additionally, a review of records indicated that no disinfectant residuals were taken on July 30, 2007.</p>	<p><b>Docket No.</b> 2008-1558-PWS-E  <b>PCW</b>  <i>Policy Revision 2 (September 2002)</i>  <i>PCW Revision June 12, 2008</i></p>																								
<b>Base Penalty</b> \$1,000																									
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																									
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;"><b>Major</b></td> <td style="text-align: center;"><b>Moderate</b></td> <td style="text-align: center;"><b>Minor</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td style="text-align: right;"><b>Percent</b> 25%</td> </tr> </table>			<b>Harm</b>					<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>			Actual						Potential	x			<b>Percent</b> 25%
		<b>Harm</b>																							
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>																					
	Actual																								
	Potential	x			<b>Percent</b> 25%																				
<b>&gt;&gt; Programmatic Matrix</b>																									
Matrix Notes	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;"><b>Falsification</b></td> <td style="text-align: center;"><b>Major</b></td> <td style="text-align: center;"><b>Moderate</b></td> <td style="text-align: center;"><b>Minor</b></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;"><b>Percent</b> 0%</td> </tr> </table> <p>Failure to monitor the disinfectant residual at sites designated in the monitoring plan could expose customers of the water supply to a significant amount of bacteriological contamination which would exceed levels that are protective of human health.</p>			<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>								<b>Percent</b> 0%										
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>																				
						<b>Percent</b> 0%																			
<b>Adjustment</b> \$750																									
<b>\$250</b>																									
<b>Violation Events</b>																									
	<p>Number of Violation Events 3      70      Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> \$750</p> <p>Three monthly events are recommended from the date of the investigation, July 17, 2008, to the date of screening, September 23, 2008.</p>	<i>mark only one with an x</i>	daily		monthly	x	quarterly		semiannual		annual		single event												
<i>mark only one with an x</i>	daily																								
	monthly		x																						
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	<p style="text-align: right;">0.0% Reduction      \$0</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;"><b>Before NOV</b></td> <td style="text-align: center;"><b>NOV to EDPRP/Settlement Offer</b></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p><b>Notes</b> The Respondent does not meet the good faith criteria for this violation.</p> <p style="text-align: right;"><b>Violation Subtotal</b> \$750</p>		<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>	Extraordinary			Ordinary			N/A	x	(mark with x)												
	<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>																							
Extraordinary																									
Ordinary																									
N/A	x	(mark with x)																							
<b>Economic Benefit (EB) for this violation</b>																									
<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>																								
\$1,176	Violation Final Penalty Total \$1,005																								
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,005																									

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 3

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$520	30-Jul-2007	23-Sep-2009	2.15	\$56	\$1,120	\$1,176
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform daily monitoring of the disinfectant residual in the system (\$10 per week), calculated from the initial date the violation was documented to the screening date.

Approx. Cost of Compliance \$520

TOTAL \$1,176

<b>Screening Date</b> 23-Sep-2008 <b>Respondent</b> City of New Summerfield <b>Case ID No.</b> 36582 <b>Reg. Ent. Reference No.</b> RN102692621 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 4 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)	<b>Docket No.</b> 2008-1558-PWS-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 12, 2008</i>																				
<b>Violation Description</b> Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 472 service connections and must provide a minimum total pump capacity of 944 gpm. However, only 450 gpm were provided, which is a 52% deficiency.																					
<b>Base Penalty</b> \$1,000																					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Release</b></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: right;"><b>Percent</b> 25%</td> </tr> </table>	<b>Release</b>	<b>Harm</b>					Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	x	<input type="text"/>	<input type="text"/>	<b>Percent</b> 25%
<b>Release</b>	<b>Harm</b>																				
	Major	Moderate	Minor																		
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																		
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Falsification	Major	Moderate	Minor																		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 0%																	
Matrix Notes	Without sufficient total pump capacity, customers of the water system could experience water outages and backflow problems exposing customers to a significant amount of contaminants that exceed levels protective of human health.																				
<b>Adjustment</b> \$750																					
\$250																					
<b>Violation Events</b>																					
	Number of Violation Events <input type="text" value="3"/> <input type="text" value="70"/> Number of violation days																				
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;">x</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="text"/></td> <td></td> </tr> </table>	daily	<input type="text"/>		monthly	x		quarterly	<input type="text"/>		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	<input type="text"/>			
daily	<input type="text"/>																				
monthly	x																				
quarterly	<input type="text"/>																				
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	0.0% Reduction																				
	Before NOV	NOV to EDPRP/Settlement Offer																			
Extraordinary	<input type="text"/>	<input type="text"/>																			
Ordinary	<input type="text"/>	<input type="text"/>																			
N/A	x	(mark with x)																			
Notes	The Respondent does not meet the good faith criteria for this violation.																				
<b>Violation Subtotal</b> \$750																					
<b>Economic Benefit (EB) for this violation</b>																					
Estimated EB Amount <input type="text" value="\$761"/>	<b>Statutory Limit Test</b>																				
<b>Violation Final Penalty Total</b> \$1,005																					
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,005																					

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 4

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	30-Jul-2007	1-Oct-2009	2.18	\$36	\$725	\$761
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the amount to provide a total pump capacity of 2.0 gpm per connection, calculated from the initial date the violation was documented to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$761

<b>Screening Date</b> 23-Sep-2008	<b>Docket No.</b> 2008-1558-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of New Summerfield		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36582		<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102692621				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b> <input type="text" value="5"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health &amp; Safety Code § 341.0351"/>			
<b>Violation Description</b>	<input type="text" value="Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity. Specifically, at the time of the investigation, it was documented that the Respondent failed to provide notification to the Commission regarding the addition of the in-line booster pump station on State Highway 79 East."/>			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Release</b>	<b>Harm</b>		
		Major      Moderate      Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major      Moderate      Minor		
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirements were not met."/>			
	<b>Adjustment</b>	<input type="text" value="\$900"/>		
			<input type="text" value="\$100"/>	
<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="70"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
		<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>	
<input type="text" value="One single event is recommended."/>				
<b>Good Faith Efforts to Comply</b>			<input type="text" value="0.0% Reduction"/>	
		<b>Before NOV</b>	<b>NOV to EDPRP/Settlement Offer</b>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>		
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
			<b>Violation Subtotal</b>	
			<input type="text" value="\$100"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount	<input type="text" value="\$12"/>	Violation Final Penalty Total	<input type="text" value="\$134"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$134"/>	

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 5

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	30-Jul-2007	1-May-2009	1.76	\$1	\$12	\$12
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs includes the amount to notify the Commission of the Facility's changes, calculated from the initial date the violation was documented to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$100

**TOTAL** \$12

<b>Screening Date</b> 23-Sep-2008	<b>Docket No.</b> 2008-1558-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of New Summerfield		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36582		<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102692621				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b> <input type="text" value="6"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.46(s)(1)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to calibrate two of the Facility's well meters once every three years."/>			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
	<b>Percent</b>	<input type="text" value="5%"/>		
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Failure to have the well meters properly calibrated could result in inaccurate or unavailable water usage and production data, which could prevent the Facility from ensuring a continuous and safe water supply."/>			
	<b>Adjustment</b>	<input type="text" value="\$950"/>		
		<input type="text" value="\$50"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="2"/>	<b>Number of violation days</b>	<input type="text" value="70"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
			<b>Violation Base Penalty</b>	<input type="text" value="\$100"/>
	<input type="text" value="Two single events (one event per meter) are recommended."/>			
<b>Good Faith Efforts to Comply</b>				<input type="text" value="0.0%"/>
		<b>Reduction</b>		<input type="text" value="\$0"/>
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
			<b>Violation Subtotal</b>	<input type="text" value="\$100"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$239"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$134"/>	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$134"/>

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**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			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)	\$200	17-Jul-2005	17-Jul-2008	3.92	\$39	\$239

Notes for AVOIDED costs

The avoided cost includes the amount to properly calibrate the well meters, calculated for the three years prior to the investigation date.

Approx. Cost of Compliance \$200

TOTAL \$239

<b>Screening Date</b> 23-Sep-2008	<b>Docket No.</b> 2008-1558-PWS-E	<b>PCW</b>												
<b>Respondent</b> City of New Summerfield		<small>Policy Revision 2 (September 2002)</small>												
<b>Case ID No.</b> 36582		<small>PCW Revision June 12, 2008</small>												
<b>Reg. Ent. Reference No.</b> RN102692621														
<b>Media [Statute]</b> Public Water Supply														
<b>Enf. Coordinator</b> Epifanio Villarreal														
<b>Violation Number</b> <input type="text" value="7"/>														
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.109(c)(1)(B)"/>													
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;">                     Failed to collect routine distribution coliform samples at locations specified in the Facility's monitoring plan. Specifically, at the time of the investigation, it was documented that the Respondent was collecting coliform samples from only two monitoring sites whereas the monitoring plan required collecting coliform samples from five monitoring sites.                 </div>													
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Harm</b>													
	Major      Moderate      Minor													
Actual	<input type="text"/>	<input type="text"/>												
Potential	<input type="text" value="x"/>	<input type="text"/>												
	<b>Percent</b>	<input type="text" value="10%"/>												
<b>&gt;&gt; Programmatic Matrix</b>														
	Falsification      Major      Moderate      Minor													
	<input type="text"/>	<input type="text"/>												
	<input type="text"/>	<input type="text"/>												
	<b>Percent</b>	<input type="text" value="0%"/>												
<b>Matrix Notes</b>	<div style="border: 1px solid black; padding: 5px;">                     Failure to collect routine distribution coliform samples from locations specified in the Facility's monitoring plan could result in inaccurate data, which could prevent the system from ensuring a safe water supply and could expose customers of the water supply to a significant amount of bacteriological contamination which would not exceed levels that are protective of human health.                 </div>													
	<b>Adjustment</b>	<input type="text" value="\$900"/>												
		<input type="text" value="\$100"/>												
<b>Violation Events</b>														
	<input type="text" value="1"/>	<input type="text" value="70"/> Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text" value="x"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text" value="x"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text" value="x"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
	<div style="border: 1px solid black; padding: 5px;">                     One quarterly event is recommended from the date of the investigation, July 17, 2008, to the date of screening, September 23, 2008.                 </div>													
<b>Good Faith Efforts to Comply</b>														
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>												
	Before NOV      NOV to EDPRP/Settlement Offer													
Extraordinary	<input type="text"/>	<input type="text"/>												
Ordinary	<input type="text"/>	<input type="text"/>												
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>												
<b>Notes</b>	<div style="border: 1px solid black; padding: 5px;">                     The Respondent does not meet the good faith criteria for this violation.                 </div>													
	<b>Violation Subtotal</b>	<input type="text" value="\$100"/>												
<b>Economic Benefit (EB) for this violation</b>														
	<b>Estimated EB Amount</b> <input type="text" value="\$6"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$134"/>												
	<b>Statutory Limit Test</b>													
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$134"/>													

## Economic Benefit Worksheet

**Respondent** City of New Summerfield  
**Case ID No.** 36582  
**Reg. Ent. Reference No.** RN102692621  
**Media** Public Water Supply  
**Violation No.** 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	30-Jul-2007	10-Apr-2009	1.70	\$0	\$6	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed costs include the amount to begin collecting distribution coliform samples as specified in the monitoring plan, calculated from the initial date the violation was documented to the estimated date of compliance.

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50 **TOTAL** \$6



	Self Report?	NO	Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)		
Description:		Failed to provide Facility records to Commission personnel at the time of the investigation.		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 290, SubChapter D 290.46(e)		
Description:		Failure to provide adequate documentation demonstrating the employment of a licensed operator.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:		Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2.		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:		Failure to maintain well 1 in a manner to minimize contamination of the water.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)		
Description:		Failure to provide suitable sampling taps on either of the wells.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 288, SubChapter B 288.20		
Description:		Failure to provide a copy of an adopted drought contingency plan.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:		Failure to have a plant operations manual.		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 290, SubChapter F 290.121		
Description:		Failure to develop and maintain an up to date system monitoring plan		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)		
Description:		Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day.		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:		Failure to protect the ground storage tank vent opening with a corrosion resistant screen.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:		Failure to provide a properly designed overflow flap.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:		Failure to provide proper water level indicator.		
Self Report?	NO		Classification:	Minor
Citation:		30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)		
Description:		Failure to provide for commission review storage tank inspections.		
Self Report?	NO		Classification:	Moderate
Citation:		30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)		

Description:	5A THSC Chapter 341, SubChapter A 341.0315 Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)				
Description:	Failure to submit Disinfectant Level Quarterly Operating Reports.	Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)				
Description:	Failure to maintain storage tanks in according with AWWA standards.				
Date:	07/15/2007 (645192)				
Self Report?	NO	Classification:	Moderate		
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(4)				
Description:	BACT - MONITORING/REPORTING VIOLATIONS				
Date:	09/14/2007 (593435)				
Self Report?	NO	Classification:	Moderate		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)				
Description:	Failure to obtain an adequate plumbing ordinance, regulation, or service agreement.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)				
Description:	Failed to provide Facility records to Commission personnel at the time of the investigation.	Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)				
Description:	Failure to provide adequate documentation demonstrating the employment of a licensed operator.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)				
Description:	Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2.	Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)				
Description:	Failure to maintain well 1 in a manner to minimize contamination of the water.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)				
Description:	Failure to provide suitable sampling taps on either of the wells.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 288, SubChapter B 288.20				
Description:	Failure to provide a copy of an adopted drought contingency plan.	Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)				
Description:	Failure to have a plant operations manual.	Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.121				
Description:	Failure to develop and maintain an up to date system monitoring plan	Self Report?	NO	Classification:	Minor

Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)		
Description:	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to protect the ground storage tank vent opening with a corrosion resistant screen.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to provide a properly designed overflow flap.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide proper water level indicator.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)		
Description:	Failure to provide for commission review storage tank inspections.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)		
Description:	5A THSC Chapter 341, SubChapter A 341.0315 Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)		
Description:	Failure to submit Disinfectant Level Quarterly Operating Reports.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)		
Description:	Failure to maintain storage tanks in according with AWWA standards.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)		
Description:	5A THSC Chapter 341, SubChapter A 341.0351 Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)		
Description:	Failure to provide an adequate backflow prevention assembly.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failed to calibrate two of the Facility's well meters once every three years.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)		
Description:	Failed to collect routine distribution coliform samples at locations specified in the Facility's monitoring plan.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain adequate residual disinfectant concentration.		
Date:	09/12/2008	(700914)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to maintain adequate pressure.		

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF NEW SUMMERFIELD  
RN102692621

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1558-PWS-E

### I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a public water supply at 13280 State Highway 110 North in New Summerfield, Cherokee County, Texas (the "Facility") that has approximately 472 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about September 17, 2008.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Four Hundred Ninety-Two Dollars (\$2,492) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Hundred Ninety-Four Dollars (\$194) of the administrative penalty and Four Hundred Ninety-Eight Dollars (\$498) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the



payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of One Thousand Eight Hundred Dollars (\$1,800) of the administrative penalty shall be payable in 18 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 the terms of this Agreed Order.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.

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10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(iv), and 290.46(f)(3)(E)(iv), as documented during an investigation conducted on July 17, 2008.
2. Failed to provide a sanitary control easement that covers the land within 150 feet of Well No. 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on July 17, 2008.
3. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during an investigation conducted on July 17, 2008.



4. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 17, 2008.
5. Failed to notify the Commission prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351, as documented during an investigation conducted on July 17, 2008.
6. Failed to calibrate two of the Facility's well meters once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on July 17, 2008.
7. Failed to collect routine distribution coliform samples at locations specified in the Facility's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(B), as documented during an investigation conducted on July 17, 2008.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of New Summerfield, Docket No. 2008-1558-PWS-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order:
    - i. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system at least once per day, in accordance with 30 TEX. ADMIN. CODE § 290.110; and



- ii. Begin collecting routine distribution coliform samples at locations specified in the Facility's monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.109.
- b. Within 25 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
- c. Within 30 days after the effective date of this Agreed Order:
  - i. Begin maintaining copies of all operating records relating to the Facility, including but not limited to flushing records and copies of all customer service inspection certifications, including the certifications for the plant farms, and ensure these records are readily accessible at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ii. Calibrate the well meters, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - iii. Notify the Commission of the existing in-line booster pump station on State Highway 79 East, in accordance with 30 TEX. ADMIN. CODE § 290.39. The notification shall be submitted to:

Utility Technical Review Team  
Water Supply Division, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. Within 60 days after the effective date of this Agreed Order, secure a sanitary control easement covering all property within 150 feet of Well No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- f. Within 75 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.h, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e.
- g. Within 180 days after the effective date of this Agreed Order, provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including



photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.



7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John S. ...*  
For the Executive Director

3/12/2009  
Date

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

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

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

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

*Josh Peoples*  
Signature

12-16-08  
Date

JOSHUA PEEPLES  
Name (Printed or typed)  
Authorized Representative of  
City of New Summerfield

UTILITIES DIRECTOR  
Title

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

