

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0108-PWS-E **TCEQ ID:** RN101384741 **CASE NO.:** 37065

**RESPONDENT NAME:** City of Groesbeck

<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 Groesbeck, 465 Limestone County Road 404, Limestone County</p> <p><b>TYPE OF OPERATION:</b> Municipal public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 18, 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 Jackie Levingston, Mayor, City of Groesbeck, P.O. Box 227, Groesbeck, Texas 76642  <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> November 5, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 14, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored or fed [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p> <p>2) Failure to provide day tanks and bulk storage tanks with a label that identifies the tanks contents and a device that indicates the amount of chemical remaining in the tank [30 TEX. ADMIN. CODE § 290.42(f)(1)(C)].</p> <p>3) Failure to provide a gasket that forms a positive seal on the hatch of the roof access opening on the clearwell storage tank [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>4) Failure to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>5) Failure to provide the water storage tank with a liquid level indicator located at the tank site that is a float with a moving target, or an ultrasonic level indicator, or a pressure gauge calibrated in feet of water [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>6) Failure to calibrate the benchtop turbidimeters with primary standards at least once every 90 days and calibrate the continuous disinfectant residual analyzers</p>	<p><b>Total Assessed:</b> \$3,378</p> <p><b>Total Deferred:</b> \$675  <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> \$103 (remaining \$2,600 due in 26 monthly payments of \$100 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By November 19, 2008, screened the chlorine upper and lower vent openings;</p> <p>b. By November 19, 2008, labeled the liquid ammonium sulfate ("LAS") and fluoride tanks and provided devices to determine the amount of chemical remaining in the LAS tank, caustic soda tank, and polymer tank;</p> <p>c. By November 19, 2008, provided a gasket on the clearwell's hatch;</p> <p>d. By November 19, 2008, rendered the fence at Plant No. 1 intruder-resistant;</p> <p>e. By November 19, 2008, submitted a customer service inspection certificate completed by a licensed plumber showing that any potential source of contamination at the service connection at 513 East Yeagua Street is isolated from the public water supply; and</p> <p>f. On February 12, 2009, submitted photos of the operational liquid level indicator for the 200,000 gallon ground storage tank.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin calibrating the 2100N (bench top) turbidimeter and the on-line chlorine residual analyzer (CL-17) at least once every 90 days; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and 290.46(s)(2)(C)(ii)].</p> <p>7) Failure to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p>		
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Additional ID No(s): 1470002





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	20-Jan-2009			
	<b>PCW</b>	23-Jan-2008	<b>Screening</b>	23-Jan-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Groesbeck
<b>Reg. Ent. Ref. No.</b>	RN101384741
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37065	<b>No. of Violations</b>	7
<b>Docket No.</b>	2009-0108-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$2,650**

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

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

**Compliance History** 50.0% Enhancement *Subtotals 2, 3, & 7* **\$1,325**

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

**Culpability** No 0.0% Enhancement *Subtotal 4* **\$0**

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

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$597**

**Economic Benefit** 0.0% Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts \$17  
Approx. Cost of Compliance \$1,700  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$3,378**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0.0% *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

*Final Penalty Amount* **\$3,378**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$3,378**

**DEFERRAL** 20.0% Reduction *Adjustment* **-\$675**

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

**Notes**  
Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$2,703**

**Screening Date** 23-Jan-2008

**Docket No.** 2009-0108-PWS-E

**PCW**

**Respondent** City of Groesbeck

Policy Revision 2 (September 2002)

**Case ID No.** 37065

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101384741

**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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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)** 50%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

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

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

<b>Screening Date</b> 23-Jan-2008	<b>Docket No.</b> 2009-0108-PWS-E	<b>PCW</b>	
<b>Respondent</b> City of Groesbeck		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 37065		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101384741			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Epifanio Villarreal			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(C)		
<b>Violation Description</b>	Failed to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored or fed. Specifically, at the time of the investigation, it was noted that the new chlorine room did not have screens on the upper and lower fan vent openings.		
	<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"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="50%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Failing to provide a screen could expose employees of the water system to significant amounts of chlorine gas that would exceed levels that are protective of human health.		
	<b>Adjustment</b>	<input type="text" value="\$500"/>	
		<input type="text" value="-\$500"/>	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="14"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$500"/>
	weekly	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	One monthly event is recommended from the date of the investigation, November 5, 2008, to the date of compliance, November 19, 2008.		
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>	<input type="text" value="\$125"/>
		<small>Before NOV      NOV to EDFRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text" value="x"/>	<input type="text"/>	
N/A	<input type="text"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent achieved compliance by November 19, 2009.		
	<b>Violation Subtotal</b>	<input type="text" value="\$375"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$625"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$625"/>

## Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**Media** Public Water Supply  
**Violation No.** 1

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

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	5-Nov-2008	19-Nov-2008	0.04	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide the new chlorine room with vent screens, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$1

<b>Screening Date</b> 23-Jan-2008	<b>Docket No.</b> 2009-0108-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Groesbeck		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37065		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101384741		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(f)(1)(C)	
<b>Violation Description</b>	Failed to provide day tanks and bulk storage tanks with a label that identifies the tanks contents and a device that indicates the amount of chemical remaining in the tank. Specifically, at the time of the investigation, it was noted that the liquid ammonium sulfate ("LAS") bulk storage tank and the fluoride day tank did not have a label identifying its contents. Additionally, it was noted that the LAS bulk storage tank, caustic soda tank, and polymer tank did not have a device to indicate the amount of chemical remaining in the tank.	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>

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

OR	Harm				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="25%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>
<b>Ordinary</b>	<input checked="" type="checkbox"/>	<input type="text"/>
<b>N/A</b>	(mark with x)	

**Notes**

**Violation Subtotal**

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

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	5-Nov-2008	19-Nov-2008	0.04	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to label the LAS bulk tank and fluoride tank and to have a device to indicate the amount of chemical remaining for the LAS bulk storage tank, caustic soda tank, and polymer tank, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$1

<b>Screening Date</b> 23-Jan-2008	<b>Docket No.</b> 2009-0108-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Groesbeck		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37065		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101384741				
<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 § 290.43(c)(2)			
<b>Violation Description</b>	Failed to provide a gasket that forms a positive seal on the hatch of the roof access opening on the clearwell storage tank. Specifically, at the time of the investigation, it was noted that the hatch of the roof access opening on the clearwell storage tank located at the surface water treatment plant did not have a gasket which has allowed the forming of nest structures inside of the hatch.			
	<b>Base Penalty</b>	\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	
	<b>Percent</b>	25%		
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	0%		
<b>Matrix Notes</b>	Failure to provide a gasket to form a positive seal on the hatch of the roof access opening of a storage tank could allow customers of the water supply to be exposed to a significant amount of contaminants that would not exceed levels protective of human health.			
	<b>Adjustment</b>	\$750		
		<b>\$250</b>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	14	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	
	quarterly	x	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
single event	<input type="text"/>	<input type="text"/>		
	One quarterly event is recommended from the date of the investigation, November 5, 2008 to the date of compliance, November 19, 2008.			
<b>Good Faith Efforts to Comply</b>				
	<b>25.0% Reduction</b>	<b>\$62</b>		
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
<b>Notes</b>	The Respondent achieved compliance by November 19, 2008.			
	<b>Violation Subtotal</b>	<b>\$188</b>		
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
	<b>Estimated EB Amount</b>	\$0	<b>Violation Final Penalty Total</b>	\$313
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$313

### Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$100	5-Nov-2008	19-Nov-2008	0.04	\$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

The delayed costs include the amount to provide the hatch of the roof access opening on the clearwell storage tank with a gasket, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

**Screening Date** 23-Jan-2008 **Docket No.** 2009-0108-PWS-E **PCW**  
**Respondent** City of Groesbeck *Policy Revision 2 (September 2002)*  
**Case ID No.** 37065 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN101384741  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text" value="(mark with x)"/>	

**Notes**

**Violation Subtotal**

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

Estimated EB Amount  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**Media** Public Water Supply  
**Violation No.** 4

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	5-Nov-2008	19-Nov-2008	0.04	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to render the fence intruder-resistant, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$1

<p><b>Screening Date</b> 23-Jan-2008</p> <p><b>Respondent</b> City of Groesbeck</p> <p><b>Case ID No.</b> 37065</p> <p><b>Reg. Ent. Reference No.</b> RN101384741</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Epifanio Villarreal</p> <p><b>Violation Number</b> <input type="text" value="5"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.43(c)(4)"/></p> <p><b>Violation Description</b> <input type="text" value="Failed to provide the water storage tank with a liquid level indicator located at the tank site that is a float with a moving target, or an ultrasonic level indicator, or a pressure gauge calibrated in feet of water. Specifically, at the time of the investigation, it was noted that the 200,000 gallon ground storage tank located at Plant No. 1 did not have a water level indicator."/></p>	<p><b>Docket No.</b> 2009-0108-PWS-E</p> <p style="text-align: right;"><b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																					
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																						
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																						
<p><b>OR</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></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: right;"><b>Actual</b></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 type="text" value="10%"/></td> </tr> <tr> <td style="text-align: right;"><b>Potential</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table>		<b>Harm</b>					Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	<b>Potential</b>	<input type="text"/>	<input type="text"/>	x			
	<b>Harm</b>																					
	Major	Moderate	Minor																			
<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																		
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	Major	Moderate	Minor																			
<b>Falsification</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																		
<b>Adjustment</b> <input type="text" value="\$900"/>																						
<input type="text" value="\$100"/>																						
<b>Violation Events</b>																						
<p><b>Number of Violation Events</b> <input type="text" value="1"/></p> <p><b>Number of violation days</b> <input type="text" value="79"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">daily</td> <td style="width:15%;"><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">weekly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table> <p style="font-size: small; margin-top: 5px;"><i>mark only one with an x</i></p>		daily	<input type="text"/>		weekly	<input type="text"/>		monthly	<input type="text"/>		quarterly	<input type="text"/>		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	x	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
	daily	<input type="text"/>																				
	weekly	<input type="text"/>																				
	monthly	<input type="text"/>																				
	quarterly	<input type="text"/>																				
	semiannual	<input type="text"/>																				
	annual	<input type="text"/>																				
	single event	x																				
One single event is recommended.																						
<b>Good Faith Efforts to Comply</b>																						
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">10.0% Reduction</td> <td></td> </tr> <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 style="text-align: right;"><b>Extraordinary</b></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;"><b>Ordinary</b></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: right;"><b>N/A</b></td> <td><input type="text"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p><b>Notes</b> <input type="text" value="The Respondent achieved compliance on February 12, 2009."/></p>		10.0% Reduction			Before NOV	NOV to EDRP/Settlement Offer	<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>	<b>Ordinary</b>	<input type="text"/>	x	<b>N/A</b>	<input type="text"/>	(mark with x)	<b>Violation Subtotal</b> <input type="text" value="\$90"/>						
	10.0% Reduction																					
	Before NOV	NOV to EDRP/Settlement Offer																				
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>																				
<b>Ordinary</b>	<input type="text"/>	x																				
<b>N/A</b>	<input type="text"/>	(mark with x)																				
<b>Economic Benefit (EB) for this violation</b>																						
<p><b>Estimated EB Amount</b> <input type="text" value="\$2"/></p>	<p><b>Statutory Limit Test</b></p> <p><b>Violation Final Penalty Total</b> <input type="text" value="\$140"/></p> <p><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$140"/></p>																					

### Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**Media** Public Water Supply  
**Violation No.** 5

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

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

**Delayed Costs**

	\$100	5-Nov-2008	12-Feb-2009				
Equipment				0.27	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the amount to equip the 200,000 gallon ground storage tank with an operational water level indicator, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$100

**TOTAL**

\$2

<b>Screening Date</b> 23-Jan-2008	<b>Docket No.</b> 2009-0108-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Groesbeck		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37065		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101384741				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b> 6				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and 290.46(s)(2)(C)(ii)			
<b>Violation Description</b>	Failed to calibrate the benchtop turbidimeters with primary standards at least once every 90 days and calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations. Specifically, at the time of the investigation, it was noted that the bench top turbidimeter and the on-line chlorine residual analyzer were not being calibrated once every 90 days. The bench top turbidimeter was being calibrated on an semi-annual basis and the on-line chlorine residual analyzer was being calibrated on an annual basis.			
	<b>Base Penalty</b>	\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major      Moderate      Minor		
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Percent</b> 10%	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 0%
<b>Matrix Notes</b>	Failure to properly calibrate laboratory equipment could expose the water supply to an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors.			
	<b>Adjustment</b>	\$900		
			<b>\$100</b>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	2	<b>Number of violation days</b> 79	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
			<b>Violation Base Penalty</b> \$200	
Two single events are recommended (one event per laboratory equipment)				
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>	<b>\$0</b>	
		Before NOV      NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>	\$200		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	\$12	<b>Violation Final Penalty Total</b> \$300	
			<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$300	

## Economic Benefit Worksheet

**Respondent** City of Goesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	5-Nov-2008	1-Sep-2009	0.82	\$1	\$11	\$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 cost includes the amount to properly calibrate the bench top turbidimeter and the chlorine residual analyzer, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$12

<b>Screening Date</b> 23-Jan-2008	<b>Docket No.</b> 2009-0108-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Groesbeck		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37065		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101384741				
<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 § 290.44(h)(1)(A)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists. Specifically, at the time of the investigation, it was documented that there was no backflow prevention assembly or air gap installed at a dental office that was identified as a high health hazard that did not have an internal cross-connection program in effect."/>			
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text" value="50%"/>
<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="Without a backflow prevention assembly or air gap installed, the water supplied for human consumption could be exposed to significant amounts of contamination which could exceed levels that are protective of human health."/>			
	<b>Adjustment</b>	<input type="text" value="\$500"/>		
				<input type="text" value="\$500"/>
<b>Violation Events</b>				
	<input type="text" value="1"/>	<input type="text" value="14"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			<b>Violation Base Penalty</b> <input type="text" value="\$500"/>
	<input type="text" value="One monthly event is recommended from the date of the investigation, November 5, 2008 to the date of compliance, November 19, 2008."/>			
<b>Good Faith Efforts to Comply</b>				
	<b>25.0%</b>	<b>Reduction</b>		<input type="text" value="\$125"/>
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance by November 19, 2008."/>			
			<b>Violation Subtotal</b>	<input type="text" value="\$375"/>
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b>	<input type="text" value="\$625"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$625"/>

### Economic Benefit Worksheet

**Respondent** City of Groesbeck  
**Case ID No.** 37065  
**Reg. Ent. Reference No.** RN101384741  
**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
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No commas or \$

**Delayed Costs**

Equipment	\$100	5-Nov-2008	19-Nov-2008	0.04	\$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

The delayed cost includes the amount to install backflow prevention assemblies or an air gap, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600241400 City of Groesbeck Classification: AVERAGE Rating: 2.40  
Regulated Entity: RN101384741 CITY OF GROESBECK Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1470002  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER LI0003C  
WATER LICENSING LICENSE 1470002

Location: 465 LIMESTONE COUNTY ROAD 404, LIMESTONE COUNTY, TX

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: January 23, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 23, 2004 to January 23, 2009

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

Name: Epi Villarreal Phone: 361-825-3425

## Site Compliance History Components

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

## Components (Multimedia) for the Site :

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

Effective Date: 03/11/2005 ADMINORDER 2004-0814-PWS-E  
Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Exceedance of (HAA5) Maximum Contaminat Level (MCL) of 0.060 mg/L

Effective Date: 03/23/2006 ADMINORDER 2005-1423-PWS-E  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain the disinfectant residual concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(2)(F)

Description: Failure to locate dry chemical feeders in a separate room that is provided with facilities for dust control.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.

Classification: Minor

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

Description: Failure to provide an intruder-resistant fence in order to protect the ground storage tanks.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to provide a flow measuring device for the recycled decant water.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate all flow measuring devices at least once every twelve months.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)

Description: Failure to provide housing for the gas chlorination equipment.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	06/09/2004	(275037)
2	08/27/2004	(289949)
3	12/23/2004	(344483)
4	07/14/2005	(396943)
5	05/08/2006	(465377)
6	06/06/2006	(466768)
7	08/16/2006	(489772)
8	10/11/2006	(514607)
9	10/29/2006	(509650)
10	01/14/2009	(706731)

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

Date: 08/24/2004 (289949)

Self NO Classification: Moderate  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to air gap filter-to-waste connections.

Self NO Classification: Minor  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to have all required backflow prevention assemblies tested annually.

Date: 08/14/2006 (489772)

Self NO Classification: Minor  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)

Description: Failure to obtain the original test reports for all backflow prevention assemblies tested.

Self NO Classification: Minor  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide a water system record that needed to be reviewed at the time of the investigation.

Self NO Classification: Minor  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.38(25)

30 TAC Chapter 290, SubChapter D 290.42(m)

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect the surface water treatment plant and elevated tank.

Self NO Classification: Minor  
Report?

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)

Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.

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 GROESBECK  
RN101384741

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0108-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 Groesbeck ("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 municipal public water supply at 465 Limestone County Road 404, Limestone County, Texas (the "Facility") that has approximately 2,079 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 January 19, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Thousand Three Hundred Seventy-Eight Dollars (\$3,378) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Hundred Three Dollars (\$103) of the administrative penalty and Six Hundred Seventy-Five Dollars (\$675) 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 Two Thousand Six Hundred Dollars (\$2,600) of the administrative penalty shall be payable in 26 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 recognizes that the City has implemented the following corrective measures at the Facility:
  - a. By November 19, 2008, screened the chlorine upper and lower vent openings;
  - b. By November 19, 2008, labeled the liquid ammonium sulfate ("LAS") and fluoride tanks and provided devices to determine the amount of chemical remaining in the LAS tank, caustic soda tank, and polymer tank;
  - c. By November 19, 2008, provided a gasket on the clearwell's hatch;
  - d. By November 19, 2008, rendered the fence at Plant No. 1 intruder-resistant;
  - e. By November 19, 2008, submitted a customer service inspection certificate completed by a licensed plumber showing that any potential source of contamination at the service connection at 513 East Yeagua Street is isolated from the public water supply; and
  - f. On February 12, 2009, submitted photos of the operational liquid level indicator for the 200,000 gallon ground storage tank.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to provide adequate ventilation which includes high level and floor level screened vents in enclosures where chlorine gas is stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C), as documented during an investigation conducted on November 5, 2008.
2. Failed to provide day tanks and bulk storage tanks with a label that identifies the tanks contents and a device that indicates the amount of chemical remaining in the tank, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(C), as documented during an investigation conducted on November 5, 2008.
3. Failed to provide a gasket that forms a positive seal on the hatch of the roof access opening on the clearwell storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on November 5, 2008.
4. Failed to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on November 5, 2008.
5. Failed to provide the water storage tank with a liquid level indicator located at the tank site that is a float with a moving target, or an ultrasonic level indicator, or a pressure gauge calibrated in feet of water, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on November 5, 2008.
6. Failed to calibrate the benchtop turbidimeters with primary standards at least once every 90 days and calibrate the continuous disinfectant residual analyzers once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and 290.46(s)(2)(C)(ii), as documented during an investigation conducted on November 5, 2008.
7. Failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on November 5, 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 Groesbeck, Docket No. 2009-0108-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 30 days after the effective date of this Agreed Order, begin calibrating the 2100N (bench top) turbidimeter and the on-line chlorine residual analyzer (CL-17) at least once every 90 days.
  - b. Within 45 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.a. 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:

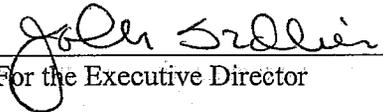
Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826

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

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

\_\_\_\_\_  
Date 4/17/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 3-18-2009

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Groesbeck

\_\_\_\_\_  
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.