

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1946-PWS-E **TCEQ ID:** RN101260545 **CASE NO.:** 36952

**RESPONDENT NAME:** City of Hewitt

<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 Hewitt, 416 West Warren Street, Hewitt, McLennan 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 April 27, 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> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable Charles Turner, Mayor, City of Hewitt, P.O. Box 610, Hewitt, Texas 76643                      Mr. Adam Miles, City Manager, City of Hewitt, P.O. Box 610, Hewitt, Texas 76643  <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> October 16, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> December 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 all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>2) Failure to obtain approval from the Executive Director prior to using a well as a public water supply source [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>3) Failure to maintain a record of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(v)].</p> <p>4) Failure to protect the gas chlorine cylinders from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].</p> <p>5) Failure to provide screened vents on the gas chlorine rooms at Plant Nos. 1, 2, and 4 [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p> <p>6) Failure to post a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>7) Failure to maintain all distribution system lines, water storage and pressure</p>	<p><b>Total Assessed:</b> \$5,636</p> <p><b>Total Deferred:</b> \$1,127  <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 to General Revenue:</b> \$4,509</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 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 as of October 30, 2008, the Respondent implemented the following corrective measures at the Facility:</p> <p>a. Provided water system records for review, including but not limited to: TCEQ Plan Review Approval for the new 500,000 gallon ground storage tank at Plant No. 5 and copies of well calibration certificates for the well flow meters;</p> <p>b. Provided adequate housing for the gas chlorine cylinders at Plant Nos. 1, 2, 4, and 5 to protect them from adverse weather conditions;</p> <p>c. Provided proper screening for the fan vents at Plant Nos. 1, 2, and 4, as well as rehabilitated the floor vents at these plants;</p> <p>d. Posted a legible sign at Well No. 7 and Plant Nos. 1, 3, 4, and 5 that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted;</p> <p>e. Repaired the leaks in the service pumps at Plant Nos. 1 and 2;</p> <p>f. Provided a liquid-level indicator on the ground storage tank at Plant No. 4;</p> <p>g. Installed an inline filter for the air compressor injection line for the pressure tank at Plant No. 4; and</p> <p>h. Compiled and began maintaining a complete and up-to-date operations manual for operator review and reference.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order, provide an intruder-resistant fence at Plant No. 2 to protect all the Facility's equipment, including but not limited to the ground storage tank;</p>

<p>maintenance facilities, and all related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>8) Failure to provide all clearwells and water storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>9) Failure to equip all air compressor injection lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p> <p>10) Failure to compile a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p>		<p>b. Within 105 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>c. Within 180 days after the effective date of this Agreed Order, submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for Well No. 7; and</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p>
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Additional ID No(s): PWS ID NO. 1550031





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	<b>Assigned</b>	15-Dec-2008			
	<b>PCW</b>	16-Dec-2008	<b>Screening</b>	16-Dec-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Hewitt
<b>Reg. Ent. Ref. No.</b>	RN101260545
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36952	<b>No. of Violations</b>	10
<b>Docket No.</b>	2008-1946-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>	Andrea Linson-Mgbeodur
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,260
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
<b>Compliance History</b>	11.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b>	\$688

Notes: Enhancement is due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action and three dissimilar NOVs.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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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>	\$1,312
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$313  
 Approx. Cost of Compliance \$7,693  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,636
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$5,636
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,636
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,127
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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>	\$4,509
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<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101260545		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru		

### 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 <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<small>Please Enter Yes or No</small>			
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)** 11%

**>> 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**

<b>Compliance History Notes</b>	Enhancement is due to one prior Notice of Violation ("NOV") with same or similar violations as those in the current enforcement action and three dissimilar NOVs.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 11%

<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>			
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101260545					
<b>Media [Statute]</b> Public Water Supply					
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru					
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(e)				
<b>Violation Description</b>	Failed to provide all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates. Specifically, at the time of the investigation, it was documented a portion of the ground storage tank at Plant No. 2 extended beyond the perimeter fence, the fence at Plant No. 4 measured only 65 inches in height and the front perimeter of the fence had trees and vegetation growing over the fence and the fence around Plant No. 5 was missing boards leaving a gap in both fence gates.				
	<b>Base Penalty</b>	\$1,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	<b>Percent</b> 25%
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 0%
<b>Matrix Notes</b>	Failure to properly secure the Facility's storage tanks could render the Facility vulnerable to vandalism from trespassers thereby exposing customers of the water supply to significant amounts of pollutants that would not exceed levels protective of human health.				
	<b>Adjustment</b>				\$750
					\$250
<b>Violation Events</b>					
	Number of Violation Events	3	61	Number of violation days	
	mark only one with an x	daily	<input type="checkbox"/>		
		weekly	<input type="checkbox"/>		
		monthly	<input type="checkbox"/>		
		quarterly	x		<b>Violation Base Penalty</b> \$750
		semiannual	<input type="checkbox"/>		
		annual	<input type="checkbox"/>		
		single event	<input type="checkbox"/>		
	Three quarterly events are recommended, based on one quarterly event for each plant, calculated from the investigation date, October 16, 2008, to the screening date, December 16, 2008.				
<b>Good Faith Efforts to Comply</b>					
	0.0% Reduction				\$0
		Before NOV	NOV to EDRP/Settlement Offer		
	Extraordinary	<input type="checkbox"/>			
	Ordinary	<input type="checkbox"/>			
	N/A	x	(mark with x)		
<b>Notes</b>	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>					
<b>Statutory Limit Test</b>					
	Estimated EB Amount	\$134	Violation Final Penalty Total	\$833	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$833

### Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**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**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$130	16-Oct-2008	30-Oct-2008	0.04	\$0	\$0	\$0
Engineering/construction	\$2,000	16-Oct-2008	30-Sep-2009	0.96	\$6	\$127	\$134
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 an intruder-resistant fence at Plant No. 2 that protects the entire site, including but not limited to the ground storage tank. The date required is the date of the investigation date. The final date is the date of compliance at Plant Nos. 4 and 5. The final date is the estimated date of compliance for the fence at Plant No. 2.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,130

**TOTAL**

\$134

**Screening Date** 16-Dec-2008 **Docket No.** 2008-1946-PWS-E **PCW**  
**Respondent** City of Hewitt *Policy Revision 2 (September 2002)*  
**Case ID No.** 36952 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN101260545  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Andrea Linson-Mgbeoduru

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

**Base Penalty**

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

OR

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<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 Hewitt  
**Case ID No.** 36952  
**Reg. Ent. Reference No.** RN101260545  
**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
<small>No commas or \$</small>							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	16-Oct-2008	31-Dec-2009	1.21	\$8	\$161	\$169
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 prepare, submit, and obtain approval of water system plans and specifications that have been prepared by a licensed, professional engineer, 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**

<b>Approx. Cost of Compliance</b>	\$2,000	<b>TOTAL</b>	\$169
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<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="3"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2) and 290.46(f)(3)(B)(v)			
<b>Violation Description</b>	Failed to maintain a record of water works operation and maintenance activities. Specifically, at the time of the investigation, it was documented that the following records were not available for review: TCEQ Plan Review Approval for the new 500,000 gallon ground storage tank at Plant No. 5; and copies of well calibration certificates for the well flow meters.			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</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"/>	<input type="text"/>	x
		<b>Percent</b>	<input type="text" value="1%"/>	
<b>Matrix Notes</b>	Less than 30% of the rule requirement was not met.			
		<b>Adjustment</b>	<input type="text" value="\$990"/>	
			<b>\$10</b>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="14"/>	<b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
		One single event is recommended.		
<b>Good Faith Efforts to Comply</b>		<b>25.0%</b> Reduction		<b>\$2</b>
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent achieved compliance with this violation on October 30, 2008.			
		<b>Violation Subtotal</b>	<input type="text" value="\$8"/>	
<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="\$9"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$9"/>		

## Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**Media:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

**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	\$182	16-Oct-2008	30-Oct-2008	0.04	\$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 organize and begin maintaining a record keeping system that includes but is not limited to: documentation of TCEQ Plan Review Approval for the 500,000 gallon ground storage tank at Plant No. 5; and copies of the well calibration certificates for the well flow meters. The date required is the date of the investigation. The final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$182	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(B)			
<b>Violation Description</b>	Failed to protect the gas chlorine cylinders from adverse weather conditions and vandalism. Specifically, at the time of the investigation, it was documented that the gas chlorine cylinders at Plant Nos. 1, 2, 4, and 5 were outside of the designated chlorine rooms and not protected from adverse weather conditions.			
	<b>Base Penalty</b>	\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	50%	
<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>	0%	
<b>Matrix Notes</b>	Failure to properly house gas chlorine cylinders may allow the cylinders to be damaged by adverse weather or vandalism exposing the public in the immediate area to significant amounts of contaminants that exceed levels protective of human health.			
	<b>Adjustment</b>	\$500		
		<b>\$500</b>		
<b>Violation Events</b>				
	Number of Violation Events	4	14	Number of violation days
	mark only one with an x	daily	<input type="text"/>	
		weekly	<input type="text"/>	
		monthly	x	
		quarterly	<input type="text"/>	
		semiannual	<input type="text"/>	
		annual	<input type="text"/>	
		single event	<input type="text"/>	
		<b>Violation Base Penalty</b>	\$2,000	
	Four monthly events are recommended, based on one event for each plant, calculated from the investigation date, October 16, 2008, to the compliance date, October 30, 2008.			
<b>Good Faith Efforts to Comply</b>				
	25.0%	Reduction		\$500
		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 with this violation on October 30, 2008.			
	<b>Violation Subtotal</b>	\$1,500		
<b>Economic Benefit (EB) for this violation</b>				
	<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$1,720
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		
		\$1,720		

## Economic Benefit Worksheet

**Respondent** City of Hewitt  
**Case ID No.** 36952  
**Reg. Ent. Reference No.** RN101260545  
**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
<i>No commas or \$</i>							

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$482	16-Oct-2008	30-Oct-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 necessary to protect the gas chlorination cylinders from adverse weather conditions and vandalism at Plant Nos. 1, 2, 4, and 5. The date required is the investigation date. The final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$482	<b>TOTAL</b>	\$1
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<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="5"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(C)			
<b>Violation Description</b>	Failed to provide screened vents on the gas chlorine rooms at Plant Nos. 1, 2, and 4. Specifically, at the time of the investigation, it was documented that the fan vents did not have screens and the lower level vents were not screened and in disrepair.			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
			<b>Percent</b>	<input type="text" value="25%"/>
<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>	Failure to properly screen the gas chlorine room fan vents and floor level vents may allow wildlife, insects and other objects to cause the fan to malfunction which could expose workers of the Facility to a significant amount of chlorine gas that would not exceed levels protective of human health.			
	<b>Adjustment</b>	<input type="text" value="\$750"/>		
		<b>Subtotal</b>	<input type="text" value="\$250"/>	
<b>Violation Events</b>				
	Number of Violation Events	<input type="text" value="3"/>	<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 type="text"/>	
		quarterly	x	
		semiannual	<input type="text"/>	
		annual	<input type="text"/>	
		single event	<input type="text"/>	
			<b>Violation Base Penalty</b>	<input type="text" value="\$750"/>
		Three quarterly events are recommended, based on one event for each plant, calculated from the investigation date, October 16, 2008, to the compliance date, October 30, 2008, based on one violation per plant.		
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	Reduction	<input type="text" value="\$187"/>
		Before NOV	NOV to EDFRP/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 with this violation on October 30, 2008.			
			<b>Violation Subtotal</b>	<input type="text" value="\$563"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$646"/>
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$646"/>

## Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**Media:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$183	16-Oct-2008	30-Oct-2008	0.04	\$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 necessary to install a screen on the fan and floor vents at Plant Nos. 1, 2, and 4; as well as rehabilitate the floor vents at these plants. The date required is the investigation date. The final date is the compliance date.

### 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	\$183	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>	
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101260545			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru			
<b>Violation Number</b>	6		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(t)		
<b>Violation Description</b>	Failed to post a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, at the time of the investigation, it was documented that no ownership sign was posted at Well No. 7 and the signs posted at Plant Nos. 1, 3, 4, and 5 were not legible.		
	<b>Base Penalty</b>	\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	Release	Harm	
		Major      Moderate      Minor	
	Actual		Percent <input type="text" value="0%"/>
	Potential		
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
		x	Percent <input type="text" value="25%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.		
	<b>Adjustment</b>	\$750	
			\$250
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="5"/>	<b>Number of violation days</b>
		<input type="text" value="14"/>	
<small>mark only one with an x</small>	daily		<b>Violation Base Penalty</b>
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
	Five single events are recommended, based on one event per location.		
<b>Good Faith Efforts to Comply</b>			
	<b>25.0% Reduction</b>		\$312
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A		(mark with x)	
<b>Notes</b>	The Respondent achieved compliance with this violation on October 30, 2008.		
	<b>Violation Subtotal</b>		\$938
<b>Economic Benefit (EB) for this violation</b>			
	<b>Estimated EB Amount</b>	<input type="text" value="\$1"/>	<b>Violation Final Penalty Total</b>
			\$1,076
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,076

## Economic Benefit Worksheet

**Respondent** City of Hewitt  
**Case ID No.** 36952  
**Reg. Ent. Reference No.** RN101260545  
**Media** Public Water Supply  
**Violation No.** 6

<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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$419	16-Oct-2008	30-Oct-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 necessary to provide legible ownership signs that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted for Well No. 7 and Plant Nos. 1, 3, 4, and 5. The date required is the investigation date. The final date is the compliance date.

### 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

\$419

**TOTAL**

\$1

<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="7"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(4)			
<b>Violation Description</b>	Failed to maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the service pumps at Plant Nos. 1 and 2 were leaking.			
	<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>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<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>	Failure to maintain all related appurtenances in a watertight condition could expose customers of the water supply to a significant amount of contaminants which would not exceed levels protective of human health.			
	<b>Adjustment</b>	<input type="text" value="\$750"/>		
		<input type="text" value="\$250"/>		
<b>Violation Events</b>				
	<input type="text" value="2"/>	<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 type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		<b>Violation Base Penalty</b>	<input type="text" value="\$500"/>	
Two quarterly events are recommended, based on one event for each plant, calculated from the investigation date, October 16, 2008, to the date of compliance October 30, 2008.				
<b>Good Faith Efforts to Comply</b>	<input type="text" value="25.0%"/>	Reduction	<input type="text" value="\$125"/>	
		Before NOV	NOV to EDRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
	N/A	<input type="text"/>	(mark with x)	
<b>Notes</b>	The Respondent achieved compliance with this violation on October 30, 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="\$4"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$430"/>	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$430"/>	

## Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**Media:** Public Water Supply  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,617	16-Oct-2008	30-Oct-2008	0.04	\$0	\$4	\$4
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 repair the leaking service pumps at Plant Nos. 1 and 2. The date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,617

TOTAL

\$4

<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="8"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(4)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to provide all clearwells and water storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the water level indicator on the upper ground storage tank at Plant No. 4 was not readable and did not work properly."/>			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>
			<b>Percent</b>	<input type="text" value="25%"/>
<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>	<input type="text" value="Failure to equip the ground storage tank with a liquid level indicator can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply."/>			
			<b>Adjustment</b>	<input type="text" value="\$750"/>
				<input type="text" value="\$250"/>
<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 type="text"/>		
	quarterly	<input checked="" type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
			<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>
<input type="text" value="One quarterly event is recommended, calculated from the investigation date, October 16, 2008, to the compliance date, October 30, 2008."/>				
<b>Good Faith Efforts to Comply</b>			<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$62"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance with this violation on October 30, 2008."/>			
			<b>Violation Subtotal</b>	<input type="text" value="\$188"/>
<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="\$216"/>
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$216"/>

## Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**Media:** Public Water Supply  
**Violation No.:** 8

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$197	16-Oct-2008	30-Oct-2008	0.04	\$0	\$1	\$1
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 necessary to install an appropriate liquid level indicator on the upper ground storage tank at Plant No. 4. The date required is the investigation date. The final date is the compliance date.

**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      \$197

**TOTAL**      \$1

<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>		
<b>Respondent</b> City of Hewitt		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36952		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101260545				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> <input type="text" value="9"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(d)(3)			
<b>Violation Description</b>	Failed to equip all air compressor injection lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank. Specifically, at the time of the investigation, it was documented that the air compressor injection line for the pressure tank at Plant No. 4 did not have an inline filter.			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<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>	Failing to equip air injection lines with filters could expose customers of the water supply to lubricants and other significant amounts of contaminants which would not exceed levels that are protective of human health.			
	<b>Adjustment</b>	<input type="text" value="\$750"/>		
		<b>Adjustment</b>	<input type="text" value="\$250"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="14"/>	<b>Number of violation days</b>
	mark only one with an x	daily	<input type="text"/>	
		weekly	<input type="text"/>	
		monthly	<input type="text"/>	
		quarterly	<input checked="" type="text" value="x"/>	
		semiannual	<input type="text"/>	
		annual	<input type="text"/>	
		single event	<input type="text"/>	
		<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>	
One quarterly event is recommended, calculated from the investigation date, October 16, 2008, to the compliance date, October 30, 2008.				
<b>Good Faith Efforts to Comply</b>		<b>25.0%</b> Reduction		<input type="text" value="\$62"/>
		Before NOV	NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>	
	N/A	<input type="text"/>	(mark with x)	
<b>Notes</b>	The Respondent achieved compliance with this violation on October 30, 2008.			
		<b>Violation Subtotal</b>	<input type="text" value="\$188"/>	
<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="\$216"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$216"/>		

## Economic Benefit Worksheet

**Respondent:** City of Hewitt  
**Case ID No.:** 36952  
**Reg. Ent. Reference No.:** RN101260545  
**Media:** Public Water Supply  
**Violation No.:** 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$151	16-Oct-2008	30-Oct-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 necessary to provide an inline filter for the air compressor injector line for the pressure tank at Plant No. 4. The date required is the investigation date. The final date is the compliance date.

**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 \$151
**TOTAL** \$0

<b>Screening Date</b> 16-Dec-2008	<b>Docket No.</b> 2008-1946-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Hewitt		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36952		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101260545		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru		
<b>Violation Number</b> <input type="text" value="10"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.42(l)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to compile a thorough plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was documented that the Facility did not have a plant operations manual."/>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<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 checked="" type="text" value="x"/> <input type="text"/> <input type="text"/>	
	<b>Percent</b>	<input type="text" value="25%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>	
	<b>Adjustment</b>	<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="14"/> <b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>	
	<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>
	<input type="text" value="One single event is recommended."/>	
<b>Good Faith Efforts to Comply</b>		
	<b>25.0% Reduction</b>	<input type="text" value="\$62"/>
	Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance with this violation on October 30, 2008."/>	
	<b>Violation Subtotal</b>	<input type="text" value="\$188"/>
<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="\$216"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$216"/>	

## Economic Benefit Worksheet

**Respondent** City of Hewitt  
**Case ID No.** 36952  
**Reg. Ent. Reference No.** RN101260545  
**Media** Public Water Supply  
**Violation No.** 10

<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
<small>No commas or \$</small>							

### 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)	\$332	16-Oct-2008	30-Oct-2008	0.04	\$1	n/a	\$1

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a plant operations manual. The date required is the investigation date. The final date is the compliance date.

### 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

\$332

**TOTAL**

\$1

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600693105 City of Hewitt Classification: AVERAGE Rating: 2.42  
Regulated Entity: RN101260545 CITY OF HEWITT Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550031  
WATER LICENSING LICENSE 1550031

Location: 416 WEST WARREN STREET, HEWITT, MCLENNAN COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: December 15, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 15, 2003 to December 15, 2008

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## 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.

## Components (Multimedia) for the Site :

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

N/A

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1	02/14/2005	(345471)
2	04/22/2005	(376519)
3	07/26/2005	(395695)
4	09/30/2005	(407266)
5	02/09/2006	(454868)
6	03/16/2006	(458737)
7	08/02/2007	(645506)
8	12/09/2008	(705613)

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

Date: 02/11/2005 (345471)

CN600693105

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a sanitary easement at the time of this investigation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide a sealed overflow pipe on the ground storage tank.

Self Report? NO 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 well, pressure tank, and ground storage tank.

Self Report? NO Classification: Minor

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

Description: Failure to provide a proper ground storage tank roof to prevent the possibility of ponding.

Self Report? NO Classification: Minor

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

Description: Failure to have backflow prevention assemblies tested at least annually by a certified tester.

Self Report? NO Classification: Moderate

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

Description: Failure to provide a completed customer service inspection (CSI) report at the time of this investigation for improvements, corrections, or addition to the plumbing facilities.

Self Report? NO Classification: Minor

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

Description: Failure to provide a sealed concrete sealing block.

Self Report? NO Classification: Minor

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

Description: Failure to provide an intruder-resistant fence in order to protect the well, pressure tank, and ground storage tank.

Self Report? NO 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.

Self Report? NO Classification: Minor

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

Description: Failure to maintain distribution system lines, water storage and pressure maintenance facilities, and related appurtenances in a watertight condition and be free of excessive solids.

Date: 06/29/2007 (563477) CN600693105

Self Report? NO Classification: Minor

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

Description: Failure to maintain minimum pressures in the distribution system.

Date: 08/02/2007 (645506) CN600693105

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(2)

Description: BACT - NONACUTE MCL (5% OR >1)

Date: 09/05/2007 (574169) CN600693105

Self Report? NO Classification: Minor

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

Description: Failure to maintain minimum pressures in the distribution system.

Self Report? NO Classification: Major

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

30 TAC Chapter 290, SubChapter D 290.46(r)

Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute at each service outlet or connection.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF HEWITT  
RN101260545

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-1946-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 Hewitt ("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 416 West Warren Street in Hewitt, McLennan County, Texas (the "Facility") that has approximately 5,308 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 December 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 Five Thousand Six Hundred Thirty-Six Dollars (\$5,636) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Four Thousand Five Hundred Nine Dollars (\$4,509) of the administrative penalty and One Thousand One Hundred Twenty-Seven Dollars (\$1,127) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this

Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

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 as of October 30, 2008, the City implemented the following corrective measures at the Facility:
  - a. Provided water system records for review, including but not limited to: TCEQ Plan Review Approval for the new 500,000 gallon ground storage tank at Plant No. 5; and copies of well calibration certificates for the well flow meters;
  - b. Provided adequate housing for the gas chlorine cylinders at Plant Nos. 1, 2, 4, and 5 to protect them from adverse weather conditions;
  - c. Provided proper screening for the fan vents at Plant Nos. 1, 2, and 4, as well as rehabilitated the floor vents at these plants;
  - d. Posted a legible sign at Well No. 7 and Plant Nos. 1, 3, 4, and 5 that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted;
  - e. Repaired the leaks in the service pumps at Plant Nos. 1 and 2;
  - f. Provided a liquid-level indicator on the ground storage tank at Plant No. 4;
  - g. Installed an inline filter for the air compressor injection line for the pressure tank at Plant No. 4; and
  - h. Compiled and began maintaining a complete and up-to-date operations manual for operator review and reference.
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 all potable water storage tanks and pressure maintenance facilities with an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on October 16, 2008.
2. Failed to obtain approval from the Executive Director prior to using a well as a public water supply source, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on October 16, 2008.
3. Failed to maintain a record of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(B)(v), as documented during an investigation conducted on October 16, 2008.
4. Failed to protect the gas chlorine cylinders from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted on October 16, 2008.
5. Failed to provide screened vents on the gas chlorine rooms at Plant Nos. 1, 2, and 4, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C), as documented during an investigation conducted on October 16, 2008.
6. Failed to post a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on October 16, 2008.
7. Failed to maintain all distribution system lines, water storage and pressure maintenance facilities, and all related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on October 16, 2008.
8. Failed to provide all clearwells and water storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on October 16, 2008.
9. Failed to equip all air compressor injection lines with filters or other devices to prevent compressor lubricants or other contaminants from entering the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3), as documented during an investigation conducted on October 16, 2008.
10. Failed to compile a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on October 16, 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 Hewitt, Docket No. 2008-1946-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 90 days after the effective date of this Agreed Order, provide an intruder-resistant fence at Plant No. 2 to protect all the Facility's equipment, including but not limited to the ground storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
  - c. Within 180 days after the effective date of this Agreed Order, submit for review and approval detailed and properly completed plans and specifications that is stamped and sealed by an licensed engineer for Well No. 7. The plans shall be submitted to:

Water Supply Division  
Utilities Technical Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- d. 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.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

*Jole Srdelin*  
For the Executive Director

4/17/2009  
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.

*Adam Miles*  
Signature

2-19-09  
Date

Adam Miles  
Name (Printed or typed)  
Authorized Representative of  
City of Hewitt

City Manager  
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.