

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-1557-PWS-E **TCEQ ID:** RN101387579 **CASE NO.:** 36594
RESPONDENT NAME: City of Wolfe City

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Wolfe City PWS, located 0.25 mile east of Wolfe City, on Farm-to-Market Road 1563, Hunt County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 4, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: The Honorable Bethel Henslee, Mayor, City of Wolfe City, P.O. Box 106, Wolfe City, Texas 75496 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 12, 2008</p> <p>Date of NOV/NOE Relating to this Case: November 28, 2007 (NOV) and August 25, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to provide a service pump capacity of at least 2.0 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(a)].</p> <p>2) Failure to ensure that all water treatment units and related appurtenances are maintained in a water tight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>3) Failure to provide a side wall water depth of at least 12 feet in clarification basins that are not equipped with mechanical sludge removal facilities [30 TEX. ADMIN. CODE § 290.42(d)(10)(C)(iv)].</p> <p>4) Failure to provide an intruder-resistant fence at the Facility [30 TEX. ADMIN. CODE § 290.42(m)].</p> <p>5) Failure to flush dead-end mains at monthly intervals or as needed if water quality complaints are received [30 TEX. ADMIN. CODE § 290.46(l)].</p> <p>6) Failure to calibrate all flow measuring devices from the well and surface water plant [30 TEX. ADMIN. CODE § 290.46(s)(1) and (s)(2)].</p> <p>7) Failure to operate the disinfection equipment to maintain a minimum</p>	<p>Total Assessed: \$1,797</p> <p>Total Deferred: \$359 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,438</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted documentation on October 23, 2008, certifying that:</p> <p>a. Repairs to the backwash pump and chlorine residual analyzer were complete;</p> <p>b. Began flushing the dead-end mains at monthly intervals; and</p> <p>c. Began documenting the calibration of the on-line turbimeters, bench top turbimeters, with primary and secondary standards and began documenting the calibration of the flow meters at the well and at the surface water plant and the calibration of the pH analyzer.</p> <p>d. An exception to the rule requiring a side wall water depth of at least 12 feet for the clarification basins was granted by the Commission on March 10, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin operating the disinfection equipment to maintain a minimum chloramine residual of 0.5 mg/L throughout the distribution system at all times.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written documentation that certifies compliance with Ordering Provision a.</p> <p>c. Within 90 days after the effective date of this Agreed Order, repair the fence around the perimeter of the Facility as required by 30 TEX. ADMIN. CODE § 290.46.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written documentation that certifies compliance with Ordering Provision c.;</p> <p>e. Within 180 days after the effective date of this Agreed Order, provide a minimum service pump capacity of 2.0 gpm; and</p>

<p>chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(B)].</p>		<p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): 1160005



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	2-Sep-2008			
	PCW	18-Nov-2008	Screening	26-Sep-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Wolfe City				
Reg. Ent. Ref. No.	RN101387579				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	36594	No. of Violations	7		
Docket No.	2008-1557-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Tel Croston		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	51.0% Enhancement	Subtotals 2, 3, & 7 \$637

Notes
The Respondent has one prior Agreed Order containing a denial of liability and three Notices of Violation ("NOVs") for the same or a similar violation as in the current enforcement action and eight other NOVs for dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$90
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts **\$9,024**
Approx. Cost of Compliance **\$67,150**
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,797
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$1,797
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,797
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DEFERRAL	20.0% Reduction	Adjustment	-\$359
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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	\$1,438
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Screening Date 26-Sep-2008

Docket No. 2008-1557-PWS-E

PCW

Respondent City of Wolfe City

Policy Revision 2 (September 2002)

Case ID No. 36594

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101387579

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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>)	3	15%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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%
<i>Please Enter Yes or No</i>			
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) 51%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has one prior Agreed Order containing a denial of liability and three Notices of Violation ("NOVs") for the same or a similar violation as in the current enforcement action and eight other NOVs for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 51%

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW		
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101387579				
Media [Statute] Public Water Supply				
Enf. Coordinator Tel Croston				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(2)(F) and Tex. Health & Safety Code § 341.0315(a)"/>			
Violation Description	<input 1,640="" 1,702="" 4%="" 851="" a="" and="" capacity="" connection.="" connections="" deficiency."="" facility="" gpm")="" gpm,="" gpm.="" must="" of="" per="" provide="" providing="" pump="" respondent="" serves="" service="" specifically,="" the="" type="text" value="Failed to provide a service pump capacity of at least 2.0 gallons per minute (" was=""/>			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="5%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Without sufficient total service pump capacity, customers of the water system could be exposed to an insignificant amount of contaminants that would not exceed levels protective of human health."/>			
				Adjustment <input type="text" value="\$950"/>
				<input type="text" value="\$50"/>
Violation Events				
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="45"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$50"/>
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
	<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply			0.0% Reduction <input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
				Violation Subtotal <input type="text" value="\$50"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount <input type="text" value="\$5,976"/>		Violation Final Penalty Total <input type="text" value="\$76"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$76"/>	

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$40,000	13-Sep-2007	31-Oct-2009	2.13	\$285	\$5,691	\$5,976
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

Estimated cost of two new high service pumps, calculated from the date of the original 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

\$40,000

TOTAL

\$5,976

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW	
Respondent City of Wolfe City		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 36594		<i>PCW Revision June 12, 2008</i>	
Reg. Ent. Reference No. RN101387579			
Media [Statute] Public Water Supply			
Enf. Coordinator Tel Croston			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(4)		
Violation Description	Failed to ensure that all water treatment units and related appurtenances are maintained in a water tight condition. Specifically, at the time of the record review, it was documented that the backwash pump and the chlorine residual analyzer were leaking.		
	Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input checked="" type="text"/>
		Percent	10%
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%
Matrix Notes	Failure to ensure Facility appurtenances and treatment units are in a water tight condition may expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.		
	Adjustment	\$900	
			\$100
Violation Events			
	Number of Violation Events	1	Number of violation days
		45	
<i>mark only one with an x</i>	daily	<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"/>	
		Violation Base Penalty	\$100
One quarterly event is recommended from the date of the record review, August 12, 2008, to the date of screening, September 26, 2008.			
Good Faith Efforts to Comply			
	10.0% Reduction		\$10
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input checked="" type="text"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	The Respondent provided documentation of compliance on October 23, 2008.		
	Violation Subtotal	\$90	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	\$1,791	Violation Final Penalty Total	\$141
		This violation Final Assessed Penalty (adjusted for limits)	\$141

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
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
No commas or \$							

Delayed Costs

Equipment	\$23,000	13-Sep-2007	23-Oct-2008	1.11	\$85	\$1,706	\$1,791
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 replace the pump and repair the analyzer, calculated from the date of the original 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

\$23,000

TOTAL

\$1,791

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>
Reg. Ent. Reference No. RN101387579		
Media [Statute] Public Water Supply		
Enf. Coordinator Tel Croston		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(10)(C)(iv)	
Violation Description	Failed to provide a side wall water depth of at least 12 feet in clarification basins that are not equipped with mechanical sludge removal facilities. Specifically, at the time of the record review, it was noted that the basins do not have a system for mechanical sludge removal and their depth was 10 feet.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release				
Actual				Percent 10%	
Potential		x			

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent 0%

Matrix Notes
 Failure to maintain the proper depth could allow the basin to overflow and contaminate the potable water exposing customers to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events Number of violation days

	daily	
	monthly	
<small>mark only one with an x</small>	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the record review, August 12, 2008, to the date of screening, September 26, 2008.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes
The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

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

Estimated EB Amount **Violation Final Penalty Total** \$151

This violation Final Assessed Penalty (adjusted for limits) \$151

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$275	13-Sep-2007	10-Mar-2009	1.49	\$20	n/a	\$20

Notes for DELAYED costs

Estimated cost to prepare and submit an exemption request for the clarification basins, calculated from the date of the original inspection 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

\$275

TOTAL

\$20

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW				
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>				
Reg. Ent. Reference No. RN101387579						
Media [Statute] Public Water Supply						
Enf. Coordinator Tel Croston						
Violation Number <input type="text" value="4"/>						
Rule Cite(s)	30 Tex. Admin. Code § 290.42(m)					
Violation Description	Failed to provide an intruder-resistant fence at the Facility. Specifically, a significant portion of the fence surrounding the clarifiers, bulk chemicals, clear wells, pump rooms, filters and sludge lagoon, was down due to construction of a dam.					
	Base Penalty	<input type="text" value="\$1,000"/>				
>> Environmental, Property and Human Health Matrix						
OR	Release	Harm				
		Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="10%"/>	
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	
Matrix Notes	Failure to enclose the Facility with an intruder-resistant fence may allow persons to enter and damage the Facility exposing customers to significant amounts of contaminants which would not exceed levels protective of human health.					
	Adjustment	<input type="text" value="\$900"/>				
<input type="text" value="\$100"/>						
Violation Events						
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="45"/>	Number of violation days		
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	quarterly	x	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	single event	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Violation Base Penalty	<input type="text" value="\$100"/>				
One quarterly event is recommended from the date of the record review, August 12, 2008, to the date of screening, September 26, 2008.						
Good Faith Efforts to Comply						
	0.0%	Reduction			<input type="text" value="\$0"/>	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>			
	Extraordinary	<input type="text"/>	<input type="text"/>			
	Ordinary	<input type="text"/>	<input type="text"/>			
	N/A	x	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.					
	Violation Subtotal	<input type="text" value="\$100"/>				
Economic Benefit (EB) for this violation						
Statutory Limit Test						
	Estimated EB Amount	<input type="text" value="\$395"/>			Violation Final Penalty Total	<input type="text" value="\$151"/>
					This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$151"/>

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
Media Public Water Supply
Violation No. 4

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

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)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,000	13-Sep-2007	31-Jul-2009	1.88	\$19	\$376	\$395
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 intruder-resistant fence surrounding the Facility, calculated from the date of the original investigation to the estimated 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

\$3,000

TOTAL

\$395

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW	
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101387579			
Media [Statute] Public Water Supply			
Enf. Coordinator Tel Croston			
Violation Number	5		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(l)		
Violation Description	Failed to flush dead end mains at monthly intervals or as needed if water quality complaints are received.		
	Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	Potential	Percent
	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	Percent
	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Matrix Notes	Failure to flush all dead-end mains monthly, or more often to maintain acceptable water quality could result in the exposure of significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.		
	Adjustment	\$900	
		\$100	
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="45"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	
	One single event is recommended.		\$100
Good Faith Efforts to Comply			
	<input type="text" value="10.0%"/>	Reduction	\$10
		Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	The Respondent provided documentation of compliance on October 23, 2008.		
	Violation Subtotal	\$90	
Economic Benefit (EB) for this violation			Statutory Limit Test
	Estimated EB Amount	<input type="text" value="\$8"/>	Violation Final Penalty Total
			<input type="text" value="\$141"/>
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$141"/>

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
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
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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$150	13-Sep-2007	23-Oct-2008	1.11	\$8	n/a	\$8
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

Estimated cost to flush dead-end mains at monthly intervals, calculated from the date of the original 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

\$150

TOTAL

\$8

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW		
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101387579				
Media [Statute] Public Water Supply				
Enf. Coordinator Tel Croston				
Violation Number <input type="text" value="6"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1) and (s)(2)			
Violation Description	Failed to calibrate all flow measuring devices from the well and surface water plant. Specifically, at the time of the record review, the Respondent failed to provide documentation showing that the bench top and on-line turbidimeters were calibrated with primary standards at least once every ninety days and every thirty days with secondary standards, and the flow meters at the well and surface water plant and pH meter were not being calibrated as required by agency rules.			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Failure to properly calibrate the meters could lead to false readings of the water conditions which could cause customers of the water supply to be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.			
	Adjustment	<input type="text" value="\$900"/>		
			<input type="text" value="\$100"/>	
Violation Events				
	Number of Violation Events	<input type="text" value="7"/>	Number of violation days	
		<input type="text" value="45"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$700"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semianual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
Seven single events are recommended, (one for each piece of equipment not properly calibrated).				
Good Faith Efforts to Comply			<input type="text" value="\$70"/>	
	10.0% Reduction			
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text" value="x"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent provided documentation of compliance on October 23, 2008.			
			Violation Subtotal <input type="text" value="\$630"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$613"/>	Violation Final Penalty Total	<input type="text" value="\$987"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$987"/>	

Economic Benefit Worksheet

Respondent City of Wolfe City
Case ID No. 36594
Reg. Ent. Reference No. RN101387579
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment	\$525	13-Sep-2007	23-Oct-2008	1.11	\$29	\$584	\$613
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

Avoided cost includes the estimated cost to calibrate the meters, calculated from the date of the original investigation to the date of compliance.

Approx. Cost of Compliance

\$525

TOTAL

\$613

Screening Date 26-Sep-2008	Docket No. 2008-1557-PWS-E	PCW	
Respondent City of Wolfe City		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36594		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101387579			
Media [Statute] Public Water Supply			
Enf. Coordinator Tel Croston			
Violation Number <input type="text" value="7"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(d)(2)(B)		
Violation Description	Failed to operate the disinfection equipment to maintain a minimum chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, it was documented that a field test conducted on September 17, 2007, recorded a chloramine residual of 0.06 mg/L.		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>
		Percent	<input type="text" value="10%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.		
	Adjustment	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
	<input type="text" value="1"/>	<input type="text" value="45"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
		Violation Base Penalty	<input type="text" value="\$100"/>
One single event is recommended.			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$220"/>	Violation Final Penalty Total
			<input type="text" value="\$151"/>
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$151"/>

Economic Benefit Worksheet

Respondent: City of Wolfe City
Case ID No.: 36594
Reg. Ent. Reference No.: RN101387579
Media: Public Water Supply
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	13-Sep-2007	26-Sep-2008	1.96	\$20	\$200	\$220
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost includes the amount to ensure the water supply is being properly disinfected throughout the distribution system, calculated from the date of the original investigation to the screening date.

Approx. Cost of Compliance \$200

TOTAL \$220

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600646749	CITY OF WOLFE CITY	Classification: AVERAGE	Rating: 1.51
Regulated Entity:	RN101387579	CITY OF WOLFE CITY PWS	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1160005
	WATER LICENSING	LICENSE		1160005
Location:	0.25 MI E OF WOLFE CITY ON FM 1563, HUNT COUNTY			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History	November 18, 2008			
Agency Decision Requiring Compliance	Enforcement			
Compliance Period:	November 18, 2003 to November 18, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Tel Croston	Phone:	512-239-5717	

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

- | | |
|--|----------------------------|
| Effective Date: 10/23/2008 | ADMINORDER 2004-0072-MLM-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(E)(i) | |
| Description: Failed to operate the Plant under the direct supervision of a licensed water works operator who holds a class "B" or higher water license. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2) | |
| Description: Failed to maintain an up-to-date map of the distribution system so that valves and mains may be easily located during emergencies. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(i) | |
| Description: Failed to ensure all chemicals and any replacement or additional process media used in the treatment of water supplied by public water systems conforms to ANSI/NSF standard 60 for direct additives. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(j) | |
| Description: Failed to conduct customer service inspections prior to providing continuous water service to new construction. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(k) | |
| Description: Failed to maintain an adequate up-to-date operations and maintenance manual. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii) | |
| Description: Failed to compile and maintain records of complaints. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv) | |
| Description: Failed to calibrate of the on-line turbidimeters at least once a week. | |

Classification: Moderate

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

Description: Failed to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.

Classification: Moderate

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

Description: Failed to calibrate the Raw, Backwash and Finished water meters at least annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(E)(ii)

Description: Failed to ensure that the surface water treatment plant have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or equip the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failed to establish 200 foot radius restricted zones prohibiting all recreational activities and trespassing in the area about the surface water intake structures on the East Lake and the West Lake.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(7)(D)

Description: Failed to ensure that the chemical feeder is designed to minimize the possibility of leaks and spills.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)

Description: Failed to provide a chemical feeder in reserve or a standby unit for the Chlorine.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(4)

Description: Failed to provide a copy of a monitoring plan that includes information on the location of all sampling points in the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)

Description: Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(i)

Description: Failed to provide each filter with an operational sample tap so that the effluent turbidity of the filter can be individually monitored.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failed to provide facilities for determining the amount of disinfectant used daily as well as the disinfectant remaining for use.

Classification: Moderate

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

Description: Failed to maintain up-to-date engineering plans for the plant.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)(C)

Description: Failed to secure the East Lake raw water pump station within in a locked building.

Classification: Moderate

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

Description: Failed to maintain all distribution system lines and related appurtenances in a watertight condition.

Classification: Moderate

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

Description: Failed to provide an operational flow meter to measure production yields and provide for the accumulation of water production data on the emergency well pump discharge line.

Classification: Moderate

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

Description: Failed to initiate maintenance program to maintain the general appearance of the Plant's facilities and equipment.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

Description: Failed to provide a raw water pumping capacity of 0.6 gallon per minute per connection with the largest pump out of service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failed to provide a minimum transfer pump capacity of 0.6 gallon per minute per connection with the largest pump out of service.

Classification: Moderate

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

Description: Failed to complete the surface water monthly operating reports in accordance with the current concentration time study dated August 8, 1994.

Classification: Moderate

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

Description: Failed to ensure that connections meeting the definition of "high health hazards" pursuant to 30 Tex. Admin. Code § 290.38(22) have properly installed backflow prevention devices unless an adequate cross-connection control program exist.

Classification: Moderate

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

Description: Failed to meet acceptable treatment technique requirements for disinfectant concentrations.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Rqmt Prov: 10383-002 PERMIT

Description: Failed to submit a monthly effluent report each month by the 20th day of the following month for the discharge described by the permit whether or not a discharge is made for that month.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: 10383-002 PERMIT

Description: Failed to conduct permit required effluent monitoring of effluent discharge from Outfall 001.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.

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	03/30/2004	(261323)
2	07/02/2004	(483365)
3	08/27/2004	(483534)
4	02/18/2005	(145563)
5	03/03/2005	(483541)
6	04/21/2005	(483636)
7	07/08/2005	(483667)
8	11/29/2005	(483706)
9	01/17/2006	(438154)
10	06/28/2006	(466473)
11	06/29/2006	(484289)
12	12/08/2006	(518138)
13	07/15/2007	(645258)
14	08/20/2007	(571879)
15	10/01/2007	(645897)
16	11/02/2007	(593796)
17	08/26/2008	(699562)

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

Date: 03/26/2004 (261323)

Self Report? NO Classification Minor

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

Description: Failure to perform storage tank inspections for the 150,000 gallon elevated storage tank.

Self Report? NO Classification Minor

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

Description: Failure to make available sanitary control easements for well # 1 (G1160005A) at the time of inspection.

Date: 07/02/2004 (483365)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2004.

Date: 08/27/2004 (483534)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2004.

Date:	12/03/2004	(571879)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)			
	30 TAC Chapter 290, SubChapter F 290.111(f)(5)			
Description:	August 2004 - 1 day with combined filter effluent turbidity over 1.0 NTU.			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(b)(2)			
	30 TAC Chapter 290, SubChapter F 290.110(f)(4)			
Description:	August 2004 - 7 days with a low CT for more than 4 consecutive hours.			
Date:	03/03/2005	(483541)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)			
	5A THSC Chapter 341, SubChapter A 341.0315(c)			
Description:	Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2004.			
Date:	04/21/2005	(483636)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)			
	5A THSC Chapter 341, SubChapter A 341.0315(c)			
Description:	Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.			
Date:	07/08/2005	(483667)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)			
	5A THSC Chapter 341, SubChapter A 341.0315(c)			
Description:	Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.			
Date:	11/29/2005	(483706)		
Self Report?	NO		Classification	Moderate
	30 TAC Chapter 290, SubChapter F 290.113(f)(4)			
	5A THSC Chapter 341, SubChapter A 341.0315(c)			
	Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.			
01/18/2006	(438154)			
NO			Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.46(j)			
	Failure to conduct customer service inspections prior to providing continuous water service to new construction.			
NO			Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)			
	Failure to provided a minimum raw water pump capacity of 0.6 gallon per minute per connection with the largest pump out of service.			
NO			Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)			
	Failure to provided a minimum transfer pump capacity of 0.6 gallon per minute per connection with the largest pump out of service.			
NO			Classification	Major
	30 TAC Chapter 290, SubChapter D 290.42(k)			
	Failure to maintain an adequate up-to-date operations and maintenance manual.			
NO			Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)			
	Failure to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.			
NO			Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.44(h)			
	Failure to develop and implement a backflow prevention program to protect the public water system and its customers from actual or potential system contamination and/or hazards.			
NO			Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(m)(1)			

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Failure to perform storage tank inspections for the 150,000 gallon elevated storage tank.

NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.42(d)(14)		
	Failure to take finished water turbidity readings from an adequate sample point within the treatment process.		
NO		Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
	Failure to maintain the water lines within the transfer pump room in leak free condition.		
07/15/2007	(645258)		
NO		Classification	Moderate
	30 TAC Chapter 290, SubChapter F 290.109(f)(4)		
	BACT - MONITORING/REPORTING VIOLATIONS		
10/26/2007	(593796)		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)		
	Failure to provide a service pump capacity of at least 2.0 gallons per minute per connection.		
NO		Classification	Moderate
	30 TAC Chapter 290, SubChapter D 290.42(d)(2)		
	Failure to repair leaks to all facilities at the water plant. Specifically the backwash pump and online chlorine analyzer were leaking.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)		
	Failure to provide adequate backflow prevention devices or air gaps at the water plant. Specifically the hose bibs were not equipped with vacuum breakers and a cross connection was observed in the chemical room.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.42(d)(10)(C)(iv)		
	Failure to provide a side wall water depth of at least 12 feet in clarification basins that are not equipped with mechanical sludge removal facilities.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.42(f)(1)		
	Failure to maintain the chemical room in a manner which minimizes the possibility and impact of accidental spills, and facilitates good housekeeping.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.42(m)		
	Failure to provide an intruder resistant fence at the water plant.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(f)		
	Failure to compile surface water monthly operating reports.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(l)		
	Failure to flush all dead-end mains monthly, or more often if required, to maintain water quality.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
	Failure to calibrate flow measuring devices from the well and surface water plant.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)		
	Failure to calibrate the benchtop pH meter at least once per day.		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)		
	Failure to calibrate the benchtop turbidimeters at least once every 90 days with primary standards		
NO		Classification	Minor
	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)		

Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a set of samples is tested.

NO

Classification Minor

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

Failure to calibrate the on-line turbidimeters at least once every 90 days.

NO

Classification Minor

30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)

Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.5 mg/L chloramine, as per agency regulations.

F.

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 WOLFE CITY
RN101387579

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1557-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 Wolfe City ("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 located 0.25 mile east of Wolfe City on Farm-to-Market Road 1563, Hunt County, Texas (the "Facility") that has approximately 851 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 3, 2007 and August 30, 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 One Thousand Seven Hundred Ninety-Seven Dollars (\$1,797) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Four Hundred Thirty-Eight Dollars (\$1,438) of the administrative penalty and Three Hundred Fifty-Nine Dollars (\$359) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. The Executive Director recognizes that the City submitted documentation on October 23, 2008, certifying that:
 - a. Repairs to the backwash pump and chlorine residual analyzer were complete;
 - b. Began flushing the dead-end mains at monthly intervals;
 - c. Began the documenting the calibration of the on-line turbimeters, bench top turbimeters, with primary and secondary standards and began documenting the calibration of the flow meters at the well and at the surface water plant and the calibration of the pH analyzer; and
 - d. An exception to the rule requiring a side wall water depth of at least 12 feet for the clarification basins was granted by the Commission on March 10, 2009.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to provide a service pump capacity of at least 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(a), as documented during a record review conducted on August 12, 2008.
2. Failed to ensure that all water treatment units and related appurtenances are maintained in a water tight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during a record review conducted on August 12, 2008.
3. Failed to provide a side wall water depth of at least 12 feet in clarification basins that are not equipped with mechanical sludge removal facilities, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(10)(C)(iv), as documented during a record review conducted on August 12, 2008.
4. Failed to provide an intruder-resistant fence at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(m), as documented during a record review conducted on August 12, 2008.

5. Failed to flush dead-end mains at monthly intervals or as needed if water quality complaints are received, in violation of 30 TEX. ADMIN. CODE § 290.46(1), as documented during a record review conducted on August 12, 2008.
6. Failed to calibrate all flow measuring devices from the well and surface water plant, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and (s)(2), as documented during a record review conducted on August 12, 2008.
7. Failed to operate the disinfection equipment to maintain a minimum chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(B), as documented during a record review conducted on August 12, 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 Wolfe City, Docket No. 2008-1557-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. Immediately upon the effective date of this Agreed Order, begin operating the disinfection equipment to maintain a minimum chloramine residual of 0.5 mg/L throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 15 days after the effective date of this Agreed Order, submit written documentation, as detailed in Ordering Provision 2.f. below, that certifies compliance with Ordering Provision 2.a.
 - c. Within 90 days after the effective date of this Agreed Order, repair the fence around the perimeter of the Facility as required by 30 TEX. ADMIN. CODE § 290.46.

- d. Within 105 days after the effective date of this Agreed Order, submit written documentation, as detailed in Ordering Provision 2.f. below, that certifies compliance with Ordering Provision 2.c.
- e. Within 180 days after the effective date of this Agreed Order, provide a minimum service pump capacity of 2.0 gallons per minute, as required by 30 TEX. ADMIN. CODE § 290.45.
- f. 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.e. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sedlin
For the Executive Director

Date 4/13/2009

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.

Bethel Henslee
Signature

2-26-09
Date

Bethel Henslee
Name (Printed or typed)
Authorized Representative of
City of Wolfe City

Mayor
Title

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