

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2009-0817-PWS-E **TCEQ ID:** RN101384576 **CASE NO.:** 37708
RESPONDENT NAME: City of Palestine

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 Palestine, 504 North Queen Street, Palestine, Anderson County</p> <p>TYPE OF OPERATION: Municipal 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 December 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: The Honorable Carolyn Salter, Mayor, City of Palestine, 504 North Queen Street, Palestine, Texas 75801 Mr. R. Dale Brown, City Manager, City of Palestine, 504 North Queen Street, Palestine, Texas 75801 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 26 to March 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 23, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to maintain the sludge lagoons so that they are free of excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>2) Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(6)].</p> <p>3) Failure to provide adequate containment for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(B)(ii)].</p> <p>4) Failure to maintain the exterior coating on the Hamlett Street elevated storage tank in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>5) Failure to install an atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vi)].</p> <p>6) Failure to calibrate the filter effluent controllers at least once every twelve months [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>7) Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine</p>	<p>Total Assessed: \$11,285</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,285</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of May 1, 2009, the Respondent:</p> <p>i. Began verifying the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations; and</p> <p>ii. Began collecting distribution coliform samples once per week at all 20 locations specified in the Facility's monitoring plan.</p> <p>b. As of May 19, 2009, the Respondent calibrated all four filter effluent controllers at the Facility;</p> <p>c. As of May 21, 2009, the Respondent repaired the leaking service pump at the North Jackson facility and the raw water pump at the raw water pump station;</p> <p>d. As of June 22, 2009, the Respondent demolished and removed the Hamlett Street elevated storage tank; and</p> <p>e. As of September 9, 2009, the Respondent began maintaining copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Properly dispose of the excess water treatment chemicals located in the area</p>

<p>solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].</p> <p>8) Failure to enclose the raw water pump station and all appurtenances within an intruder-resistant fence [30 TEX. ADMIN. CODE § 290.41(e)(5)].</p> <p>9) Failure to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow prevention assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>10) Failure to design and construct the concrete clearwell at the surface water treatment plant and the storage tank at the Sycamore facility in strict accordance with AWWA requirements [30 TEX. ADMIN. CODE § 290.43(c) and (c)(2)].</p> <p>11) Failure to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>12) Failure to maintain copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii)].</p> <p>13) Failure to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>14) Failure to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility and to make the plans and specifications available to Commission personnel upon request [30 TEX. ADMIN. CODE § 290.46(n)(1)].</p> <p>15) Failure to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p>		<p>next to the old alum day tank at a facility that is certified to accept the chemicals;</p> <p>ii. Repair the fence that encloses the raw water pump station so that the large gap at the bottom of the gate is eliminated and the fence is intruder-resistant;</p> <p>iii. Begin maintaining the plans and specifications for the backwash elevated tank at the Facility so that they may be easily located and provided to Commission personnel upon request; and</p> <p>iv. Remove all vegetation growing on the fences surrounding the raw water pump station and the surface water treatment plant to ensure the good working condition and general appearance of the facilities and equipment.</p> <p>b. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;</p> <p>ii. Install an atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system;</p> <p>iii. Ensure that all backflow prevention assemblies installed to provide protection against health hazards are tested and certified by a recognized backflow prevention assembly tester;</p> <p>iv. Make all necessary repairs and corrections to the concrete clearwell at the surface water treatment facility and the 52,000 gallon storage tank at the Sycamore facility to ensure that both structures are designed and maintained in strict accordance with AWWA requirements; and</p> <p>v. Submit an up-to-date chemical and bacteriological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p>
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<p>16) Failure to collect distribution coliform samples at locations specified in the Facility's monitoring plan [30 TEX. ADMIN. CODE § 290.109(c)(1)(B)].</p>		<p>i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii. through 2.b.v.;</p> <p>ii. Remove all excess solids from the sludge lagoons and begin maintaining the lagoons so that they remain free of excessive solids; and</p> <p>iii. Install an appropriately-sized secondary containment structure for the polyphosphate bulk and day tanks.</p> <p>d. 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 Nos. 2.c.ii. and 2.c.iii.;</p> <p>e. Within 550 days after the effective date of this Agreed Order, install additional disinfection facilities within the Facility to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system at all times; and</p> <p>f. Within 565 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 2.e.</p>
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Additional ID No(s): PWS ID No. 0010001

Attachment A
Docket Number: 2009-0817-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Palestine
Payable Penalty Amount:	Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285)
SEP Amount:	Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP:	Anderson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	4-May-2009	Screening	26-May-2009	EPA Due	
	PCW	29-May-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Palestine		
Reg. Ent. Ref. No.	RN101384576		
Facility/Site Region	5-Tyler	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37708	No. of Violations	16
Docket No.	2009-0817-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Rebecca Clausewitz
		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	\$9,020
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	27.0% Enhancement	Subtotal 2, 3, & 7 \$2,435
Notes	The enhancement is due to five prior Notices of Violation (NOVs) containing violations that are the same as or similar to the violations in the current enforcement action and for one prior NOV with dissimilar violations.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$245
Economic Benefit	0.0% Enhancement*	Subtotal 6 \$0
Total EB Amounts	\$349,359	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,461,200	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,210
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$11,210
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$11,285
DEFERRAL	0.0% Reduction	Adjustment \$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	No deferral is recommended for Findings/Orders.	
PAYABLE PENALTY		\$11,285

Screening Date 26-May-2009

Docket No. 2009-0817-PWS-E

PCW

Respondent City of Palestine

Policy Revision 2 (September 2002)

Case ID No. 37708

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101384576

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to five prior Notices of Violation (NOVs) containing violations that are the same as or similar to the violations in the current enforcement action and for one prior NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW		
Respondent City of Palestine		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37708		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101384576				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(4)			
Violation Description	Failed to maintain the sludge lagoons so that they are free of excessive solids. Specifically, on the date of the investigation, it was observed that the sludge lagoons were full of solids and there was little storage space available for additional sludge.			
	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	x	<input type="text"/>	<input type="text"/>
			Percent	<input type="text" value="50%"/>
>> 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	If the sludge lagoons are not properly maintained, they could overflow and cause significant amounts of contaminants to infiltrate the Facility, which would exceed levels protective of human health.			
			Adjustment	<input type="text" value="\$500"/>
				<input type="text" value="\$500"/>
Violation Events				
	Number of Violation Events	<input type="text" value="3"/>	Number of violation days	<input type="text" value="89"/>
	<i>mark only one with an x</i>	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"/>	
			Violation Base Penalty	<input type="text" value="\$1,500"/>
	Three-monthly events are recommended, calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 28, 2009.			
Good Faith Efforts to Comply			0.0% Reduction	<input type="text" value="\$0"/>
		Before NOV	NOV to EDCRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input type="text"/>	<input type="text"/>	
	N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal	<input type="text" value="\$1,500"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$18,356"/>	Violation Final Penalty Total	<input type="text" value="\$1,905"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,905"/>

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$300,000	26-Feb-2009	31-Mar-2010	1.09	\$16,356	n/a	\$16,356
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 remove all the excess solids and also to develop a solids removal plan and procedure to ensure that excessive solids in the lagoons do not routinely occur, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$300,000	TOTAL	\$16,356
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Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW																					
Respondent City of Palestine		<small>Policy Revision 2 (September 2002)</small>																					
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Media [Statute] Public Water Supply																							
Enf. Coordinator Rebecca Clausewitz																							
Violation Number 2																							
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(6)																						
Violation Description	Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, on the date of the investigation, a leaking service pump was observed at the North Jackson facility and a raw water pump was found to be leaking at the raw water pump station.																						
	Base Penalty	\$1,000																					
>> Environmental, Property and Human Health Matrix																							
	Harm																						
	Major	Moderate	Minor																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Actual</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> </tr> </table>		Actual			Potential		x	Percent 10%														
Actual																							
Potential		x																					
>> Programmatic Matrix																							
	Major	Moderate	Minor																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Falsification</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Falsification						Percent 0%														
Falsification																							
Matrix Notes	Failure to maintain the Facility in a good working condition could result in insignificant amounts of contaminants entering the distribution system, which would not exceed levels that are protective of human health.																						
	Adjustment	\$900																					
		\$100																					
Violation Events																							
	Number of Violation Events 2	Number of violation days 89																					
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:30%;">daily</td> <td style="width:30%;"></td> </tr> <tr> <td></td> <td>weekly</td> <td></td> </tr> <tr> <td></td> <td>monthly</td> <td></td> </tr> <tr> <td></td> <td>quarterly</td> <td></td> </tr> <tr> <td></td> <td>semiannual</td> <td></td> </tr> <tr> <td></td> <td>annual</td> <td></td> </tr> <tr> <td></td> <td>single event</td> <td style="text-align: center;">x</td> </tr> </table>		daily			weekly			monthly			quarterly			semiannual			annual			single event	x	Violation Base Penalty \$200
	daily																						
	weekly																						
	monthly																						
	quarterly																						
	semiannual																						
	annual																						
	single event	x																					
	Two single events are recommended -- one event per leaking pump.																						
Good Faith Efforts to Comply																							
	10.0% Reduction	\$20																					
	<small>Before NOV NOV to EDRP/Settlement Offer</small>																						
Extraordinary																							
Ordinary		x																					
N/A		<small>(mark with x)</small>																					
Notes	All leaking pumps were repaired as of May 21, 2009.																						
	Violation Subtotal	\$180																					
Economic Benefit (EB) for this violation																							
	Estimated EB Amount \$1,611	Statutory Limit Test																					
		Violation Final Penalty Total \$234																					
		This violation Final Assessed Penalty (adjusted for limits) \$234																					

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100,000	26-Feb-2009	21-May-2009	0.23	\$77	\$1,534	\$1,611
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 amounts to repair the two leaking areas of the system, calculated from the date of the investigation, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000

TOTAL

\$1,611

Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW
Respondent City of Palestine		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37708		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101384576		
Media [Statute] Public Water Supply		
Enf. Coordinator Rebecca Clausewitz		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)	
Violation Description	Failed to provide adequate containment for all liquid chemical storage tanks. Specifically, on the date of the investigation, inadequate containment was documented for the polyphosphate bulk tank and day tank, and the area around the old alum day tank where chemicals are stored.	
	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"/>
Potential	<input type="text" value="X"/>	<input type="text"/>
	Percent	<input type="text" value="25%"/>
>> 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	A lack of secondary containment would prevent containment of any chemical leaks or spillage. As a result, workers of the Facility and the general population around the Facility could come in contact with a significant amount of chemicals that would not exceed levels that are protective of human health and the environment.	
	Adjustment	<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
Violation Events		
Number of Violation Events	<input type="text" value="2"/>	Number of violation days
	<input type="text" value="89"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text" value="X"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	Violation Base Penalty	<input type="text" value="\$500"/>
	Two quarterly events are recommended (one quarterly event per area without secondary containment), calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009.	
Good Faith Efforts to Comply		
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
	<small>Before NOV NOV to EDP/PP/ Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="X"/> (mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	<input type="text" value="\$500"/>
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="\$635"/>
	This violation Final Assessed Penalty (adjusted for limits)	
		<input type="text" value="\$635"/>

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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	\$5,000	28-Feb-2009	31-Mar-2010	1.09	\$18	\$363	\$382
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	28-Feb-2009	31-Jan-2010	0.93	\$1	\$12	\$13
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 equipment cost includes the amount to purchase and install an appropriately-sized secondary containment structure for the polyphosphate bulk and day tanks and the other delayed cost includes the amount to dispose of the excess chemicals, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,200

TOTAL \$395

<p>Screening Date 26-May-2009</p> <p>Respondent City of Palestine</p> <p>Case ID No. 37708</p> <p>Reg. Ent. Reference No. RN101384576</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number <input type="text" value="4"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.43(c)(8)"/></p> <p>Violation Description <input awwa")="" coating="" corrosion="" date="" exterior="" failed,="" in="" investigation,="" it="" noted="" of="" on="" resulting="" side="" significant="" specifically,="" standards.="" tank's="" that="" the="" to="" type="text" value="Failed to maintain the painting on the Hamlett Street elevated storage tank in strict accordance with current American Water Works Association (" walls."="" was=""/></p>	<p>Docket No. 2009-0817-PWS-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																					
Base Penalty <input type="text" value="\$1,000"/>																						
>> Environmental, Property and Human Health Matrix																						
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="25%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">X</td> <td><input type="text"/></td> </tr> </table>		Harm					Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>	Potential	<input type="text"/>	X	<input type="text"/>			
	Harm																					
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	Falsification																					
	Major	Moderate	Minor																			
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																		
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																			
<input type="text" value="\$250"/>																						
Violation Events																						
<p>Number of Violation Events <input type="text" value="1"/></p> <p>Number of violation days <input type="text" value="89"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:20%;">daily</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>weekly</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;"><small>mark only one with an x</small></td> <td>quarterly</td> <td style="text-align: center;">X</td> </tr> <tr> <td></td> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td></td> <td>single event</td> <td><input type="text"/></td> </tr> </table>		daily	<input type="text"/>		weekly	<input type="text"/>		monthly	<input type="text"/>	<small>mark only one with an x</small>	quarterly	X		semiannual	<input type="text"/>		annual	<input type="text"/>		single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$250"/>
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	semiannual	<input type="text"/>																				
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	single event	<input type="text"/>																				
<input type="text" value="One quarterly event is recommended, calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009."/>																						
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<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="2" style="text-align: center;">10.0% Reduction</td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDFRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td style="text-align: center;">X</td> </tr> <tr> <td>N/A</td> <td colspan="2" style="text-align: center;"><small>(mark with x)</small></td> </tr> <tr> <td>Notes</td> <td colspan="2"><input type="text" value="The Hamlett Street tank was dismantled and taken out of service on June 22, 2009."/></td> </tr> </table>		10.0% Reduction			Before NOV	NOV to EDFRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	X	N/A	<small>(mark with x)</small>		Notes	<input type="text" value="The Hamlett Street tank was dismantled and taken out of service on June 22, 2009."/>		<input type="text" value="\$25"/>			
	10.0% Reduction																					
	Before NOV	NOV to EDFRP/Settlement Offer																				
Extraordinary	<input type="text"/>	<input type="text"/>																				
Ordinary	<input type="text"/>	X																				
N/A	<small>(mark with x)</small>																					
Notes	<input type="text" value="The Hamlett Street tank was dismantled and taken out of service on June 22, 2009."/>																					
Violation Subtotal <input type="text" value="\$225"/>																						
Economic Benefit (EB) for this violation																						
Estimated EB Amount <input type="text" value="\$1,112"/>	Statutory Limit Test																					
Violation Final Penalty Total <input type="text" value="\$293"/>																						
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$293"/>																						

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50,000	26-Feb-2009	22-Jun-2009	0.32	\$53	\$1,059	\$1,112
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to dismantle and remove the Hamlett Street elevated storage tank, calculated from the date of the investigation, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$1,112

<p>Screening Date 26-May-2009</p> <p>Respondent City of Palestine</p> <p>Case ID No. 37708</p> <p>Reg. Ent. Reference No. RN101384576</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number 5</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(F)(vi)</p> <p>Violation Description Failed to install an atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system. Specifically, on the date of the investigation, it was noted that a pressure relief/sustaining valve was installed instead of the proper type of device to prevent possible contamination of the finished water from the backwash.</p>	<p>Docket No. 2009-0817-PWS-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																													
<p>Base Penalty \$1,000</p>																														
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: right;">Percent 25%</td> </tr> </table>				Harm						Major	Moderate	Minor		OR	Release					Actual						Potential		x		Percent 25%
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	Falsification				Percent 0%																									
<p>Violation Events</p> <p>Number of Violation Events: 1 Number of violation days: 89</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">single event</td> </tr> </table> <p style="text-align: right;">Violation Base Penalty \$250</p> <p>One quarterly event is recommended, calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009.</p>		<i>mark only one with an x</i>	daily		weekly		monthly		quarterly	x	semiannual		annual				single event													
<i>mark only one with an x</i>	daily																													
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		0.0% Reduction																												
		Before NOV	NOV to EDPRP/Settlement Offer																											
Extraordinary																														
Ordinary																														
N/A	x	(mark with x)																												
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <p>Estimated EB Amount: \$70 Violation Final Penalty Total: \$318</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$318</p>																														

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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							
Equipment	\$1,000	28-Feb-2009	28-Feb-2010	1.01	\$3	\$67	\$70
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to purchase and install the proper type of backflow prevention assembly, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$70

<p>Screening Date 26-May-2009</p> <p>Respondent City of Palestine</p> <p>Case ID No. 37708</p> <p>Reg. Ent. Reference No. RN101384576</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number 6</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)</p> <p>Violation Description Failed to calibrate the filter effluent controllers at least once every twelve months. Specifically, the Respondent has four controllers that were not calibrated in the year prior to the date of the investigation.</p>	<p>Docket No. 2009-0817-PWS-E</p> <p>PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																				
Base Penalty \$1,000																					
>> Environmental, Property and Human Health Matrix																					
<p>OR</p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="2" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> </tr> </table> <p style="margin-left: 100px;">Percent 10%</p>		Harm				Major	Moderate	Minor	Release				Actual				Potential			x	
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	Major	Moderate	Minor																		
Falsification																					
Adjustment \$100																					
Violation Events																					
<p>Number of Violation Events 4</p> <p>Number of violation days 365</p> <table border="1" style="margin-left: 20px;"> <tr> <td rowspan="7" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td></td> </tr> <tr> <td>quarterly</td> <td></td> </tr> <tr> <td>semiannual</td> <td></td> </tr> <tr> <td>annual</td> <td style="text-align: center;">x</td> </tr> <tr> <td>single event</td> <td></td> </tr> </table>	<i>mark only one with an x</i>	daily		weekly		monthly		quarterly		semiannual		annual	x	single event		Violation Base Penalty \$400					
<i>mark only one with an x</i>		daily																			
		weekly																			
		monthly																			
		quarterly																			
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	single event																				
Four annual events are recommended – one event per controller.																					
Good Faith Efforts to Comply																					
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	10.0% Reduction																				
	Before NOV	NOV to EDRP/Settlement Offer																			
Extraordinary																					
Ordinary		x																			
N/A	(mark with x)																				
Economic Benefit (EB) for this violation																					
Estimated EB Amount \$438	Statutory Limit Test																				
Violation Final Penalty Total \$468																					
This violation Final Assessed Penalty (adjusted for limits) \$468																					

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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				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)	\$400	26-Feb-2008	26-Feb-2009	1.92	\$38	\$400	\$438

Notes for AVOIDED costs

The avoided cost includes the amount to calibrate four filter effluent controllers, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance \$400

TOTAL \$438

<p>Screening Date 26-May-2009</p> <p>Respondent City of Palestine</p> <p>Case ID No. 37708</p> <p>Reg. Ent. Reference No. RN101384576</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number 7</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)</p> <p>Violation Description Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, on the date of the investigation, it was noted that the accuracy of the distribution operator's analyzer had not been verified in the last 30 days.</p>	<p>Docket No. 2009-0817-PWS-E</p> <p style="text-align: right;">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																																								
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	1		89	Number of violation days																																					
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Ordinary			x																																						
N/A			(mark with x)																																						
Notes	The Respondent achieved compliance with this violation on May 1, 2009.																																								
<p>Economic Benefit (EB) for this violation</p> <p style="text-align: right;">Statutory Limit Test</p> <p>Estimated EB Amount \$26</p> <p style="text-align: right;">Violation Final Penalty Total \$117</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$117</p>																																									

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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
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)

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]	\$25	26-Jan-2009	26-Feb-2009	1.00	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to verify the distribution operator's residual analyzer, calculated for the thirty days prior to the date of the investigation.

Approx. Cost of Compliance

\$25

TOTAL

\$26

Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW	
Respondent City of Palestine		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37708		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN101384576			
Media [Statute] Public Water Supply			
Enf. Coordinator Rebecca Clausewitz			
Violation Number	8		
Rule Cite(s)	30 Tex. Admin. Code § 290.41(e)(5)		
Violation Description	Failed to provide an intruder-resistant fence to protect the Facility's raw water pump station and its appurtenances. Specifically, on the date of the investigation, it was noted that there was a large gap at the bottom of the gate, preventing the enclosure from being intruder-resistant.		
	Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix			
	Harm		
	Major	Moderate	Minor
OR			
Actual			
Potential		x	
		Percent	25%
>> Programmatic Matrix			
	Major	Moderate	Minor
		Percent	0%
Matrix Notes	Failure to provide an enclosure that is intruder-resistant could allow trespassers to access to the water system, which may compromise the Facility's ability to provide a safe and adequate water supply. This could result in significant amounts of contaminants entering the distribution system, which would not exceed levels protective of human health.		
	Adjustment	\$750	
		\$250	
Violation Events			
	1	89	Number of violation days
<small>mark only one with an x</small>	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
		Violation Base Penalty	\$250
One quarterly event is recommended, calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009			
Good Faith Efforts to Comply			
	0.0%	Reduction	\$0
	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary			
Ordinary			
N/A	x	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$250
Economic Benefit (EB) for this violation			
	\$33		
Estimated EB Amount		Violation Final Penalty Total	\$318
		This violation Final Assessed Penalty (adjusted for limits)	
		\$318	

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	26-Feb-2009	31-Jan-2010	0.93	\$2	\$31	\$33
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to adjust the fence so the large gap is eliminated and the fence is intruder-resistant, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$33

Screening Date 26-May-2009 Respondent City of Palestine Case ID No. 37708 Reg. Ent. Reference No. RN101384576 Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz Violation Number <input type="text" value="9"/> Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.44(h)(4)"/> Violation Description <input type="text" value="Failed to test all backflow prevention assemblies which are installed to provide protection against health hazards on an annual basis by a recognized backflow prevention assembly tester. Specifically, on the date of the investigation, it was noted that no annual testing and certification of the backflow prevention assemblies located at the following facilities had been conducted: Herrington DDS, Duphorne DDS, Palestine Veterinary Clinic, Palestine Cancer Center, Palestine Laundry, McGowan Funeral Home, Palestine Healthcare, Witte DDS, Dutton DDS, and Jackson DDS."/>	Docket No. 2009-0817-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i>																									
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Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
Percent <input type="text" value="0%"/>																										
Matrix Notes	<input type="text" value="If the backflow prevention assemblies are not tested on an annual basis, problems with the devices could go unnoticed which could result in significant amounts of contaminants entering the distribution system, which would not exceed levels that are protective of human health."/>																									
Adjustment <input type="text" value="\$750"/>																										
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Violation Events																										
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daily	<input type="text"/>																									
weekly	<input type="text"/>																									
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Violation Final Penalty Total <input type="text" value="\$3,175"/>																										
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,175"/>																										

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	26-Feb-2008	26-Feb-2009	1.00	\$50	\$1,003	\$1,053
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to test ten backflow prevention assemblies (\$100 each), calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,053

Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW																					
Respondent City of Palestine		<small>Policy Revision 2 (September 2002)</small>																					
Case ID No. 37708		<small>PCW Revision October 30, 2008</small>																					
Reg. Ent. Reference No. RN101384576																							
Media [Statute] Public Water Supply																							
Enf. Coordinator Rebecca Clausewitz																							
Violation Number 10																							
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c) and (c)(2)																						
Violation Description	Failed to design and construct the concrete clearwell at the surface water treatment plant and the storage tank at the Sycamore facility in strict accordance with current AWWA standards. Specifically, at the time of the investigation, the concrete clearwell at the surface water treatment plant was found to have water ponding on the roof, no seals around the holes in the roof where the probe enters, and no cover over the cable opening. Additionally, the tank at the Sycamore facility was found to have no seal around the holes in the roof where the probe enters, a hatch cover with an opening in the side which prevents the hatch from being fully sealed, and an unlocked hatch.																						
	Base Penalty	\$1,000																					
>> Environmental, Property and Human Health Matrix																							
OR	Release	Harm																					
		Major Moderate Minor																					
	Actual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>																					
	Potential	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%; text-align: center;">x</td><td style="width:33%;"></td></tr></table>		x																			
	x																						
		Percent 25%																					
>> Programmatic Matrix																							
	Falsification	Major Moderate Minor																					
	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr></table>																						
		Percent 0%																					
Matrix Notes	Failure to meet AWWA requirements could result in significant amounts of contaminants entering the tanks, which would not exceed levels that are protective of human health.																						
	Adjustment	\$750																					
		\$250																					
Violation Events																							
	Number of Violation Events 2	Number of violation days 89																					
<small>mark only one with an x</small>	<table border="1" style="width:100%;"><tr><td style="width:33%;">daily</td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td>weekly</td><td></td><td></td></tr><tr><td>monthly</td><td></td><td></td></tr><tr><td>quarterly</td><td style="text-align: center;">x</td><td></td></tr><tr><td>semiannual</td><td></td><td></td></tr><tr><td>annual</td><td></td><td></td></tr><tr><td>single event</td><td></td><td></td></tr></table>	daily			weekly			monthly			quarterly	x		semiannual			annual			single event			
daily																							
weekly																							
monthly																							
quarterly	x																						
semiannual																							
annual																							
single event																							
		Violation Base Penalty \$500																					
	Two quarterly events are recommended (one event per tank), calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009.																						
Good Faith Efforts to Comply																							
	0.0% Reduction	\$0																					
	<small>Before NOV NOV to EDP/PRP/Settlement Offer</small>																						
	Extraordinary	<table border="1" style="width:100%;"><tr><td style="width:50%;"></td><td style="width:50%;"></td></tr></table>																					
	Ordinary	<table border="1" style="width:100%;"><tr><td style="width:50%;"></td><td style="width:50%;"></td></tr></table>																					
	N/A	x (mark with x)																					
Notes	The Respondent does not meet the good faith criteria for this violation.																						
	Violation Subtotal	\$500																					
Economic Benefit (EB) for this violation																							
	Estimated EB Amount	\$141																					
	Statutory Limit Test																						
	Violation Final Penalty Total	\$635																					
	This violation Final Assessed Penalty (adjusted for limits)	\$635																					

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 10

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)	\$2,000	26-Feb-2009	28-Feb-2010	1.01	\$7	\$134	\$141
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to make all necessary repairs to the Sycamore tank and the clearwell, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$141

Screening Date 26-May-2009	Docket No. 2009-0817-PWS-E	PCW															
Respondent City of Palestine		<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37708		<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No. RN101384576																	
Media [Statute] Public Water Supply																	
Enf. Coordinator Rebecca Clausewitz																	
Violation Number 11																	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(B), and 290.110(b)(4), and Tex. Health & Safety Code § 341.0315(c)																
Violation Description	Failed to operate disinfection equipment to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, on February 26, 2009, low disinfectant residual readings taken at various locations within the distribution system measured from 0.05 to 0.19 mg/L. On February 27, 2009, the low readings measured from 0.06 to 0.23 mg/L, and on March 5, 2009 the low readings measured from 0.05 to 0.25 mg/L.																
	Base Penalty	\$1,000															
>> Environmental, Property and Human Health Matrix																	
	Harm																
	Major	Moderate	Minor														
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Release</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Release			Actual			Potential	x		Percent 25%					
Release																	
Actual																	
Potential	x																
>> Programmatic Matrix																	
	Falsification																
	Major	Moderate	Minor														
			Percent 0%														
Matrix Notes	Failure to maintain the disinfectant residual at a minimum of 0.5 mg/L total chlorine could expose customers of the Facility to significant amounts of contaminants, which would not exceed levels that are protective of human health.																
	Adjustment	\$750															
			\$250														
Violation Events																	
	Number of Violation Events	3	Number of violation days 3														
	mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$750
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
	Three single events are recommended for the three days in which there was a low disinfectant residual.																
Good Faith Efforts to Comply																	
	0.0% Reduction		\$0														
	Before NOV	NOV to EDRP/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		\$750														
Economic Benefit (EB) for this violation																	
	Estimated EB Amount	\$327,562	Violation Final Penalty Total \$953														
Statutory Limit Test																	
	This violation Final Assessed Penalty (adjusted for limits)		\$953														

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 11

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	\$2,000,000	28-Feb-2009	30-Jun-2011	2.34	\$15,598	\$311,963	\$327,562
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 include the amount to install additional water storage and disinfection facilities within the system, calculated from the date of the initial low readings 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

\$2,000,000

TOTAL

\$327,562

<p>Screening Date 26-May-2009 Respondent City of Palestine Case ID No. 37708 Reg. Ent. Reference No. RN101384576 Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz</p>	<p>Docket No. 2009-0817-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i></p>																																						
<p>Rule Cite(s) <input type="text" value="12"/> <input style="width: 600px;" type="text" value="30 Tex. Admin. Code § 290.46(f)(3)(D)(II)"/></p>																																							
<p>Violation Description <input style="width: 600px;" type="text" value="Failed to maintain copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections. Specifically, none of the tank inspection forms were available on the date of the investigation."/></p>																																							
<p>Base Penalty <input style="width: 100px;" type="text" value="\$1,000"/></p>																																							
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%; text-align: center;">Harm</td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: right;">Release</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input style="width: 50px;" type="text" value="0%"/></td> </tr> <tr> <td style="text-align: right;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>			Harm							Major	Moderate	Minor		OR	Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0%"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																
	Harm																																						
		Major	Moderate	Minor																																			
OR	Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0%"/>																																		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																																			
<p>>>> Programmatic Matrix</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: right;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td style="vertical-align: middle;">Percent <input style="width: 50px;" type="text" value="1%"/></td> </tr> </table>										Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input style="width: 50px;" type="text" value="1%"/>																				
		Major	Moderate	Minor																																			
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input style="width: 50px;" type="text" value="1%"/>																																		
<p>Matrix Notes <input style="width: 600px;" type="text" value="Less than 30% of the rule requirement was not met."/></p>																																							
<p>Adjustment <input style="width: 100px;" type="text" value="\$990"/></p>																																							
<p><input style="width: 100px;" type="text" value="\$10"/></p>																																							
<p>Violation Events</p> <p>Number of Violation Events <input style="width: 50px;" type="text" value="1"/> <input style="width: 50px;" type="text" value="89"/> Number of violation days</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">daily</td> <td style="text-align: center;">weekly</td> <td style="text-align: center;">monthly</td> <td style="text-align: center;">quarterly</td> </tr> <tr> <td rowspan="5" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: right;">daily</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">weekly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">monthly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">quarterly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">single event</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table> <p style="text-align: right;">Violation Base Penalty <input style="width: 100px;" type="text" value="\$10"/></p>										daily	weekly	monthly	quarterly	<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	weekly	<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	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	single event	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
		daily	weekly	monthly	quarterly																																		
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																		
	weekly	<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	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																		
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<p><input style="width: 600px;" type="text" value="One single event is recommended."/></p>																																							
<p>Good Faith Efforts to Comply</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">0.0%</td> <td style="text-align: center;">Reduction</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EOPRP/Settlement Offer</td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">N/A</td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: center;">(mark with x)</td> <td></td> <td></td> </tr> </table> <p>Notes <input style="width: 600px;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p> <p style="text-align: right;">Violation Subtotal <input style="width: 100px;" type="text" value="\$10"/></p>										0.0%	Reduction					Before NOV	NOV to EOPRP/Settlement Offer			Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>			Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>			N/A	x		(mark with x)				
		0.0%	Reduction																																				
		Before NOV	NOV to EOPRP/Settlement Offer																																				
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>																																				
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>																																				
N/A	x		(mark with x)																																				
<p>Economic Benefit (EB) for this violation <input style="width: 100px;" type="text" value="\$1"/></p>																																							
<p>Statutory Limit Test <input style="width: 100px;" type="text" value="\$13"/></p>																																							
<p>Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$13"/></p>																																							
<p>This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$50"/></p>																																							

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 12

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)	\$25	26-Feb-2009	3-Sep-2009	0.62	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to maintain tank inspection forms on file at the Facility, calculated from the date of the investigation, to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

<p>Screening Date 26-May-2009</p> <p>Respondent City of Palestine</p> <p>Case ID No. 37708</p> <p>Reg. Ent. Reference No. RN101384576</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Rebecca Clausewitz</p> <p>Violation Number 13</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)</p> <p>Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements. Specifically, on the date of the investigation, it was observed that the plan was not being kept up-to-date because the plan did not cover all parts of the distribution system.</p>	<p>Docket No. 2009-0817-PWS-E</p> <p>PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i></p>																														
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<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount \$5</p>		<p>Statutory Limit Test</p> <p>Violation Final Penalty Total \$127</p> <p>This violation Final Assessed Penalty (adjusted for limits) \$127</p>																													

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	26-Feb-2009	28-Feb-2010	1.01	\$5	n/a	\$5
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 update the monitoring plan, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

<p>Screening Date 26-May-2009 Respondent City of Palestine Case ID No. 37708 Reg. Ent. Reference No. RN101384576 Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz Violation Number 14 Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(1) Violation Description Failed to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility and to make those plans and specifications available to Commission personnel upon request. Specifically, on the date of the investigation, the only specifications that could not be located and made available to the investigator were those for the backwash elevated tank.</p>	<p>Docket No. 2009-0817-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																								
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Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 14

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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	26-Feb-2009	31-Jan-2010	0.93	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to maintain the plans and specifications for the backwash elevated tank at the Facility and available to Commission personnel upon request, calculated from the date of the investigation, to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

<p>Screening Date 26-May-2009 Respondent City of Palestine Case ID No. 37708 Reg. Ent. Reference No. RN101384576 Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz Violation Number 15 Rule Cite(s) 30 Tax. Admin. Code § 290.46(m) Violation Description Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment. Specifically, on the date of the investigation, vegetation was found to be growing on the fences surrounding the raw water pump station and the surface water treatment plant.</p>	<p>Docket No. 2009-0817-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																			
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Violation Subtotal \$200																				
Economic Benefit (EB) for this violation																				
Statutory Limit Test																				
Estimated EB Amount \$28	Violation Final Penalty Total \$254																			
This violation Final Assessed Penalty (adjusted for limits) \$254																				

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	26-Feb-2009	31-Jan-2010	0.93	\$1	\$25	\$26
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to remove all vegetation from the fences, calculated from the date of the investigation, to the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$26

<p>Screening Date 26-May-2009 Respondent City of Palestine Case ID No. 37708 Reg. Ent. Reference No. RN101384576 Media [Statute] Public Water Supply Enf. Coordinator Rebecca Clausewitz Violation Number 16 Rule Cite(s) 30 Tex. Adm'n. Code § 290.109(c)(1)(B) Violation Description Failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan. Specifically, on the date of the investigation, it was noted that only ten of the 20 sample sites are being utilized for the 20 samples that are collected each month, which indicates that several sites are used twice during a single month.</p>	<p>Docket No. 2009-0817-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>
Base Penalty \$1,000	
>> Environmental, Property and Human Health Matrix	
Harm	
Release	Major Moderate Minor
Actual	<input type="text"/> <input type="text"/> <input type="text"/>
Potential	x <input type="text"/> <input type="text"/>
OR	Percent 50%
>> Programmatic Matrix	
Falsification	
Major Moderate Minor	
<input type="text"/> <input type="text"/> <input type="text"/>	
Percent 0%	
Matrix Notes	Failure to fully sample the entire distribution system could result in customers of the water system being exposed to significant amounts of contaminants, which would exceed levels protective of human health.
Adjustment \$500	
\$600	
Violation Events	
Number of Violation Events	3 64 Number of violation days
mark only one with an x	daily <input type="text"/> weekly <input type="text"/> monthly <input checked="" type="checkbox"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>
Violation Base Penalty \$1,500	
Three monthly events are recommended, calculated from the first date of the investigation, February 26, 2009, to the date of case screening, May 26, 2009.	
Good Faith Efforts to Comply	
10.0% Reduction	
Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/> <input type="text"/>
Ordinary	<input type="text"/> x
N/A	(mark with x)
Notes	The Respondent achieved compliance with this violation as of May 1, 2009
Violation Subtotal \$1,350	
Economic Benefit (EB) for this violation	
Estimated EB Amount	\$527
Statutory Limit Test	
Violation Final Penalty Total \$1,755	
This violation Final Assessed Penalty (adjusted for limits) \$1,755	

Economic Benefit Worksheet

Respondent City of Palestine
Case ID No. 37708
Reg. Ent. Reference No. RN101384576
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
--	-----------	---------------	------------	-----	----------------	---------------	-----------

Item Description No commas or \$

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	26-Feb-2009	1-May-2009	1.09	\$27	\$500	\$527
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to properly conduct bacteriological sampling (\$25 per sample) at an additional ten sample sites each month, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance \$500

TOTAL \$527

Compliance History Report

Customer/Respondent/Owner-Operator: CN600622922 City of Palestine Classification: AVERAGE Rating: 2.32
 Regulated Entity: RN101384576 CITY OF PALESTINE Classification: AVERAGE Site Rating: 1.00

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0010001
 WASTEWATER PERMIT WQ0010244004
 WASTEWATER PERMIT TPDES0120049

Location: 504 N QUEEN ST, PALESTINE, ANDERSON COUNTY, TX

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: May 28, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: May 28, 2004 to May 28, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Rebecca Clausewitz Phone: (210) 403-4012

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/operator of the site during the compliance period? | No |
| 3. If Yes, who is the current owner/operator? | N/A |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | N/A |
| 5. When did the change(s) in owner or operator occur? | N/A |
| 6. Rating Date: 9/1/2008 | Repeat Violator: NO |

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 | 06/22/2004 | (276454) |
| 2 | 05/23/2005 | (393034) |
| 3 | 08/30/2005 | (404187) |
| 4 | 06/16/2006 | (483047) |
| 5 | 08/22/2006 | (481612) |
| 6 | 03/23/2007 | (543245) |
| 7 | 03/21/2008 | (638507) |
| 8 | 04/27/2009 | (742819) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|------------------|---|-----------------------|
| Date: 06/25/2004 | (276454) | CN600622922 |
| Self Report? | NO | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii) | |
| Description: | Failure to provide adequate containment facilities for all liquid chemical storage tanks. | |

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to remove excessive sludge from the lagoons.

Date: 05/28/2005 (393034) CN600622922
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to dispose of water treatment plant sludge in accordance with the required method.

Date: 09/08/2005 (404187) CN600622922
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)
Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to remove excessive sludge from the lagoons.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to properly calibrate the flow meters and rate of controllers at least once every 12 months.

Date: 08/30/2006 (481612) CN600622922
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to remove excessive sludge from the lagoons.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to properly calibrate the flow meters and rate of controllers at least once every 12 months.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: PWS - Failure to establish a restricted zone of 200 foot radius from the raw water intake.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(6)
Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the floor vent and discharges through the top vent.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor vent.

Date: 03/26/2007 (543245) CN600622922
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to remove excessive sludge from the lagoons.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
Description: PWS - Failure to establish a restricted zone of 200 foot radius from the raw water intake.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(6)
 Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the floor vent and discharges through the top vent.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
 Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor vent.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
 Description: Failure to repair leaking appurtenances.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)
 Description: PWS - Failure to provide adequate containment and storage facilities for chemicals used in the water treatment process.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(3)(A)
 Description: PWS - Failure to locate the recycled water injection line upstream of the raw water tap.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain storage tanks in according with AWWA standards.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
 Description: PWS - Failure to provide facilities to recirculate the water in the high level storage tanks.

Date: 03/25/2008 (638507) CN600622922

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to remove excessive sludge from the lagoons.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)
 Description: PWS - Failure to establish a restricted zone of 200 foot radius from the raw water intake.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(6)
 Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the floor vent and discharges through the top vent.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
 Description: PWS - Failure to provide forced air ventilation which includes: screened and louvered floor level and high level vents; a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor vent.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
 Description: Failure to repair leaking appurtenances.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)
 Description: PWS - Failure to provide adequate containment and storage facilities for chemicals used in the water treatment process.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(3)(A)
 Description: PWS - Failure to locate the recycled water injection line upstream of the raw water tap.

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain storage tanks in according with AWWA standards.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)		
Description:	PWS - Failure to provide facilities to recirculate the water in the high level storage tanks.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)		
Description:	Failure to provide an air gap or a backflow prevention device for make-up water supply lines.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(vi)		
Description:	Failure to provide adequate backflow prevention for the surface wash supply line.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)		
Description:	Failure to identify the ammonia feed line.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to provide minimum normal operating pressure.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate flow measuring devices and rate-of-flow controllers required by 30 TAC 290.42(d) regarding surface water treatment at least once every 12 months.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(ii)		
Description:	Failure to check the calibration of benchtop pH meters with at least one buffer each time a series of samples is run.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)		
Description:	Failure to calibrate on-line pH meters at least once every 30 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)		
Description:	Failure to calibrate benchtop turbidimeters with primary standards at least once every 90 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)		
Description:	Failure to check the calibration of benchtop turbidimeters with secondary standards each time a series of samples is tested.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)		
Description:	Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)		
Description:	Failure to check the calibration of on-line turbidimeters at least once each week.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)		
Description:	Failure to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)		
Description:	Failure to calibrate on-line continuous disinfectant residual analyzers with chlorine solutions of known concentrations at least once every 90 days.		

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
Description: Failure to check the calibration of continuous disinfectant residual analyzers with a chlorine solution of a known concentration.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(5)
Description: Failure to adequately enclose the raw water pump station in an intruder-resistant fence.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121
Description: Failure to develop and maintain an up to date system monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to provide proper water level indicator.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Failure to have applicable backflow prevention assemblies tested annually.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Failure to cover and design, fabricate, erect, test and disinfect in strict accordance with current American Water Works Association (AWWA) standards, all facilities for potable water storage.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
Description: Failure to provide adequate filtration capacity with the largest filter off-line.

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 PALESTINE
RN101384576**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0817-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Palestine ("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 presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The City owns and operates a municipal public water supply at 504 North Queen Street in Palestine, Anderson County, Texas (the "Facility") that has approximately 7,196 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain the sludge lagoons so that they are free of excessive solids. Specifically, on the date of the investigation, it was observed that the sludge lagoons were full of solids and there was little storage space available for additional sludge.
3. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain all pumps, motors, valves, and other mechanical devices in good

- working condition. Specifically, on the date of the investigation, a leaking service pump was observed at the North Jackson facility and a raw water pump was found to be leaking at the raw water pump station.
4. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not provide adequate containment for all liquid chemical storage tanks. Specifically, on the date of the investigation, inadequate containment was documented for the polyphosphate bulk and day tanks and the area around the old alum day tank where chemicals are stored.
 5. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain the paint on the Hamlett Street elevated storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, on the date of the investigation, it was noted that the tank's exterior coating failed, resulting in significant corrosion to the tank's side walls.
 6. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not install an atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system. Specifically, on the date of the investigation, it was noted that a pressure relief/sustaining valve was installed instead of the proper type of device to prevent possible contamination of the finished water from the backwash.
 7. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not calibrate the filter effluent controllers at least once every twelve months. Specifically, the City has four controllers that were not calibrated in the year prior to the date of the investigation.
 8. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, on the date of the investigation, it was noted that the accuracy of the distribution operator's analyzer had not been verified in the last 30 days.
 9. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not provide an intruder-resistant fence to protect the Facility's raw water pump station and its appurtenances. Specifically, on the date of the investigation, it was noted that there was a large gap at the bottom of the gate, preventing the enclosure from being intruder-resistant.
 10. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not test all backflow prevention assemblies which are installed to provide protection against health hazards on an annual basis by a recognized backflow prevention assembly tester. Specifically, on the date of the investigation, it was noted that no annual testing of the following facilities had been conducted: Herrington DDS, Duphorne DDS, Palestine Veterinary Clinic, Palestine Cancer Center, Palestine Laundry, McGowan Funeral Home, Palestine Healthcare, Witte DDS, Dutton DDS, and Jackson DDS.

11. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not design and construct the concrete clearwell at the surface water treatment plant and the storage tank at the Sycamore facility in strict accordance with current AWWA standards. Specifically, the concrete clearwell at the surface water treatment plant was found to have water ponding on the roof, no seals around the holes in the roof where the probe enters, and no cover over the cable opening. Additionally, the tank at the Sycamore facility was found to have no seal around the holes in the roof where the probe enters, a hatch cover with an opening in the side which prevents the hatch from being fully sealed, and an unlocked hatch.
12. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, on February 26, 2009, low disinfectant residual readings taken at various locations within the distribution system measured from 0.05 to 0.19 mg/L. On February 27, 2009, the low readings measured from 0.06 to 0.23 mg/L, and on March 5, 2009 the low readings measured from 0.05 to 0.25 mg/L.
13. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections. Specifically, none of the tank inspection forms were available on the date of the investigation.
14. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements. Specifically, on the date of the investigation, it was observed that the plan was not being kept up-to-date because the plan did not cover all parts of the distribution system.
15. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility and make the plans and specifications available to Commission personnel upon request. Specifically, on the date of the investigation, the only specifications that could not be located and made available to the investigator were those for the backwash elevated tank.
16. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, vegetation was found to be growing on the fences surrounding the raw water pump station and the surface water treatment plant.
17. During an investigation conducted from February 26 to March 5, 2009, TCEQ staff documented that the City did not collect the distribution coliform samples at locations specified in the Facility's monitoring plan. Specifically, on the date of the investigation, it was noted that only ten

of the twenty sample sites are being utilized for the sampling performed each month, which indicates that several sites are used twice during a single month.

18. The City received notice of the violations on April 28, 2009.
19. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. As of May 1, 2009, the City:
 - i. Began verifying the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations; and
 - ii. Began collecting distribution coliform samples once per week at all 20 locations specified in the Facility's monitoring plan.
 - b. As of May 19, 2009, the City calibrated all four filter effluent controllers at the Facility.
 - c. As of May 21, 2009, the City repaired the leaking service pump at the North Jackson facility and the raw water pump at the raw water pump station.
 - d. As of June 22, 2009, the City demolished and removed the Hamlett Street elevated storage tank.
 - e. As of September 9, 2009, the City began maintaining copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the City failed to maintain the sludge lagoons so that they are free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
3. As evidenced by Findings of Fact No. 3, the City failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6).
4. As evidenced by Findings of Fact No. 4, the City failed to provide adequate containment for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).

5. As evidenced by Findings of Fact No. 5, the City failed to maintain the exterior coating on the Hamlett Street elevated storage tank in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
6. As evidenced by Findings of Fact No. 6, the City failed to install a atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vi).
7. As evidenced by Findings of Fact No. 7, the City failed to calibrate the filter effluent controllers at least once every twelve months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
8. As evidenced by Findings of Fact No. 8, the City failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
9. As evidenced by Findings of Fact No. 9, the City failed to enclose the raw water pump station and all appurtenances within an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(5).
10. As evidenced by Findings of Fact No. 10, the City failed to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
11. As evidenced by Findings of Fact No. 11, the City failed to design and construct the concrete clearwell at the surface water treatment plant and the storage tank at the Sycamore facility in strict accordance with AWWA requirements, in violation of 30 TEX. ADMIN. CODE § 290.43(c) and (c)(2).
12. As evidenced by Findings of Fact No. 12, the City failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. As evidenced by Findings of Fact No. 13, the City failed to maintain copies of the inspection reports for all water storage and pressure maintenance facilities on file and accessible for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(ii).
14. As evidenced by Findings of Fact No. 14, the City failed to maintain an up-to-date chemical and microbiological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
15. As evidenced by Findings of Fact No. 15, the City failed to maintain as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the

Facility and to make the plans and specifications available to Commission personnel upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).

16. As evidenced by Findings of Fact No. 16, the City failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
17. As evidenced by Findings of Fact No. 17, the City failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(B).
18. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
19. An administrative penalty in the amount of Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285) as set forth in Section II, Paragraph 19 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Palestine, Docket No. 2009-0817-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. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 19 above, Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285) of the assessed administrative penalty shall be offset with the condition that the

City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
 - i. Properly dispose of the excess water treatment chemicals located in the area next to the old alum day tank at a facility that is certified to accept the chemicals;
 - ii. Repair the fence that encloses the raw water pump station so that the large gap at the bottom of the gate is eliminated and the fence is intruder-resistant, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Begin maintaining the plans and specifications for the backwash elevated tank at the Facility so that they may be easily located and provided to Commission personnel upon request, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Remove all vegetation growing on the fences surrounding the raw water pump station and the surface water treatment plant to ensure the good working condition and general appearance of the facilities and equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 3.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a;
 - ii. Install an atmospheric vacuum breaker or a reduced pressure principle backflow prevention assembly in the supply line for the surface filter wash system, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iii. Ensure that all backflow prevention assemblies installed to provide protection against health hazards are tested and certified by a recognized backflow prevention assembly tester, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - iv. Make all necessary repairs and corrections to the concrete clearwell at the surface water treatment facility and the 52,000 gallon storage tank at the Sycamore facility to ensure that both structures are designed and maintained in strict accordance with AWWA requirements, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - v. Submit an up-to-date chemical and bacteriological monitoring plan which identifies all sampling locations, describes the sampling frequency, and specifies

the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.

- c. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification as described in Ordering Provision No. 3.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.b.ii. through 3.b.v.;
 - ii. Remove all excess solids from the sludge lagoons and begin maintaining the lagoons so that they remain free of excessive solids, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Install an appropriately-sized secondary containment structure for the polyphosphate bulk and day tanks, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 3.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.ii. and 3.c.iii.
- e. Within 550 days after the effective date of this Agreed Order, install additional disinfection facilities within the Facility to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE §§ 290.46 and 290.110.
- f. Within 565 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 3.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 fines and imprisonment for knowing violations.

The certification shall be submitted to:

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

with a copy to:

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

4. 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bradley
For the Executive Director

12/11/2009
Date

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

I understand that by entering into this Agreed Order, City of Palestine waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

R. Dale Brown
Signature

10/2/09
Date

R. Dale Brown
Name (Printed or typed)
Authorized Representative of
City of Palestine

City Manager
Title

Attachment A
Docket Number: 2009-0817-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Palestine
Payable Penalty Amount: Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285)
SEP Amount: Eleven Thousand Two Hundred Eighty-Five Dollars (\$11,285)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP: Anderson County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

