

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-0836-PWS-E **TCEQ ID:** RN101202604 **CASE NO.:** 37732  
**RESPONDENT NAME:** City of Slaton

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Slaton, 130 South 9th Street, Slaton, Lubbock County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 30, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable Laura Wilson, Mayor, City of Slaton, 130 South 9th Street, Slaton, Texas 79364  Mr. Roger McKinney, City Administrator, City of Slaton, 130 South 9th Street, Slaton, Texas 79364  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 25, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 13, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to ensure that ground water sources are located so that there will be no danger of pollution from flooding or from unsanitary surroundings [30 TEX. ADMIN. CODE § 290.41(c)(1)].</p> <p>2) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>3) Failure to ensure that the hatch on all ground storage tanks remains locked except during inspection and maintenance activities [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>4) Failure to provide all water storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>5) Failure to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>6) Failure to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers), or test the well every five years or as required by the</p>	<p><b>Total Assessed:</b> \$17,468</p> <p><b>Total Deferred:</b> \$3,493  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$13,975</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On May 14, 2009, repaired the hasp on the south west hatch of the one million gallon ground storage;</p> <p>b. On June 8, 2009, equipped all water storage tanks with a liquid level indicator located at the tank site;</p> <p>c. On June 8, 2009, developed an up-to-date chemical and microbiological monitoring plan; and</p> <p>d. On June 18, 2009, developed an up-to-date and thorough plant operation manual for operator review and reference.</p> <p><b>Ordering Provisions:</b></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 60 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of well number 27;</p> <p>b. Within 75 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 No. 2.a;</p> <p>c. Within 180 days after the effective date of this Agreed Order, install a backflow prevention assembly or air gap at all residences or establishments where an actual or potential contamination hazard exists, including but not limited to the</p>

<p>Executive Director to prove that they are in a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)].</p> <p>7) Failure to develop and maintain and up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p>		<p>Brite Way Cleaners, Family Medical Clinic, Slaton Primary Medical Clinic, the dental clinic, the car wash, and the two hose bibbs located at sewer lift stations. In addition, identify any potential hazards identified in 30 TEX. ADMIN CODE § 290.47(i) and provide those hazards with additional protection in the form of an air gap or backflow protection assembly;</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c;</p> <p>e. Within 365 days after the effective date of this Agreed Order, plug abandoned public water supply wells with cement according to 16 TEX. ADMIN. CODE Chapter 76 or demonstrate that they are in a non-deteriorated condition, and submit plugging reports or reports that demonstrate the wells are in a non-deteriorated condition for the following wells: G1520004H, G1520004O, G1520004N, G1520004M, G1520004L, G1520004K, G1520004I, G1520004P, G1520004G, G1520004T, G1520004Q, G1520004R, G1520004J, G1520004S, G1520004AA, G1520004U, G1520004V, G1520004W, G1520004X, G1520004Z, G1520004A, G1520004B, G1520004C, and G1520004D; and</p> <p>f. Within 380 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 No. 2.e.</p>
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Additional ID No(s): 1520004



Attachment A  
Docket Number: 2009-0836-PWS-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Slaton

**Payable Penalty Amount:** Thirteen Thousand Nine Hundred Seventy-Five Dollars (\$13,975)

**SEP Amount:** Thirteen Thousand Nine Hundred Seventy-Five Dollars (\$13,975)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

**Location of SEP:** Lubbock 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.



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**

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:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**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

<b>DATES</b>	Assigned	18-May-2009		
	PCW	1-Jun-2009	Screening	29-May-2009
	EPA Due			

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Slaton		
Reg. Ent. Ref. No.	RN101202604		
Facility/Site Region	2-Lubbock	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37732	No. of Violations	7
Docket No.	2009-0836-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		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**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement is due to one NOV with the same or similar violations as those in the current enforcement action and one dissimilar NOV.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
Approx. Cost of Compliance  \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

Screening Date 29-May-2009

Docket No. 2009-0836-PWS-E

PCW

Respondent City of Slaton

Policy Revision 2 (September 2002)

Case ID No. 37732

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101202604

Media [Statute]: Public Water Supply

Enf. Coordinator Christopher Keffer

## Compliance History Worksheet

## &gt;&gt; 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)	1	5%
	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) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement is due to one NOV with the same or similar violations as those in the current enforcement action and one dissimilar NOV.

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

<p><b>Screening Date</b> 29-May-2009</p> <p><b>Respondent</b> City of Slaton</p> <p><b>Case ID No.</b> 37732</p> <p><b>Reg. Ent. Reference No.</b> RN101202604</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Christopher Keffer</p> <p><b>Violation Number</b> <input type="text" value="1"/></p> <p><b>Rule Cite(s)</b> <input style="width:100%;" type="text" value="30 Tex. Admin. Code § 290.41(c)(1)"/></p> <p><b>Violation Description</b> <input style="width:100%; height: 50px;" type="text" value="Failed to ensure that ground water sources are located so that there will be no danger of pollution from flooding or from unsanitary surroundings. Specifically, at the time of the investigation, it was documented that there is an improperly capped abandoned well approximately 50 feet northeast of well number 27 that is privately owned."/></p>	<p><b>Docket No.</b> 2009-0836-PWS-E</p> <p style="text-align: right;"><b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																																																										
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<p><b>Violation Events</b></p> <p>Number of Violation Events <input style="width: 50px;" type="text" value="1"/>      <input style="width: 50px;" type="text" value="65"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> </tr> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td>daily</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>weekly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> <p style="text-align: center; border: 1px solid black; padding: 5px; margin-top: 10px;">One single event is recommended.</p> <p style="text-align: right;"><b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$100"/></p>										<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>	<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"/>	<input type="text"/>	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																				
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		<b>0.0% Reduction</b>																																																									
		Before NOV	NOV to EDRP/Settlement Offer																																																								
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																				
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																																																				
N/A	x	(mark with x)																																																									
<p><b>Economic Benefit (EB) for this violation</b>      <b>Statutory Limit Test</b></p> <p>Estimated EB Amount <input style="width: 100px;" type="text" value="\$27"/>      Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$107"/></p> <p style="text-align: right;"><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$107"/></p>																																																											

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202604  
**Media** Public Water Supply  
**Violation No.** 1

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$300	25-Mar-2009	30-Jun-2010	1.27	\$1	\$25	\$27
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed costs include the amount to ensure the well is not in danger of pollution from unsanitary surroundings by conducting additional sampling of the well (\$50 per month), 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

TOTAL \$27

<b>Screening Date</b> 29-May-2009	<b>Docket No.</b> 2009-0836-PWS-E	<b>PCW</b>															
<b>Respondent</b> City of Slaton		<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 37732		<small>PCW Revision October 30, 2008</small>															
<b>Reg. Ent. Reference No.</b> RN101202604																	
<b>Media [Statute]</b> Public Water Supply																	
<b>Enf. Coordinator</b> Christopher Keffer																	
<b>Violation Number</b> <input type="text" value="2"/>																	
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.42(l)"/>																
<b>Violation Description</b>	<input type="text" value="Failed to compile and maintain a thorough plant operations manual for operator review and reference. Specifically, at the time of the investigation, the Facility did not have a plant operations manual."/>																
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
	<b>Harm</b>																
	Major	Moderate	Minor														
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>						
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>														
<b>&gt;&gt; Programmatic Matrix</b>																	
	Major	Moderate	Minor														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> <td style="width:50px;"><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>		x	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>						
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>														
	x	<input type="text"/>	<input type="text"/>														
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>																
	<b>Adjustment</b>	<input type="text" value="\$750"/>															
		<input type="text" value="\$250"/>															
<b>Violation Events</b>																	
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>														
		<input type="text" value="65"/>															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width:50px;"><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>
daily	<input type="text"/>																
weekly	<input type="text"/>																
monthly	<input type="text"/>																
quarterly	<input type="text"/>																
semiannual	<input type="text"/>																
annual	<input type="text"/>																
single event	x																
<small>mark only one with an x</small>																	
	<input type="text" value="One single event is recommended."/>																
<b>Good Faith Efforts to Comply</b>																	
	<input type="text" value="10.0%"/>	<b>Reduction</b>	<input type="text" value="\$25"/>														
	<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>															
Extraordinary	<input type="text"/>	<input type="text"/>															
Ordinary	<input type="text"/>	x															
N/A	<small>(mark with x)</small>																
<b>Notes</b>	<input type="text" value="The Respondent achieved compliance on June 18, 2009."/>																
	<b>Violation Subtotal</b>		<input type="text" value="\$225"/>														
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>														
	<b>Estimated EB Amount</b>	<input type="text" value="\$3"/>	<b>Violation Final Penalty Total</b>														
			<input type="text" value="\$243"/>														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$243"/>														

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202804  
**Media** Public Water Supply  
**Violation No.** 2

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

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	25-Mar-2009	18-Jun-2009	0.23	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to develop and maintain a plant operations manual, 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

\$250

TOTAL

\$3

<p><b>Screening Date</b> 29-May-2009</p> <p><b>Respondent</b> City of Slaton</p> <p><b>Case ID No.</b> 37732</p> <p><b>Reg. Ent. Reference No.</b> RN101202604</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Christopher Keffer</p> <p><b>Violation Number</b> <input type="text" value="3"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.43(c)(2)"/></p> <p><b>Violation Description</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>Failed to ensure that the hatch on all ground storage tanks remain locked except during inspection and maintenance activities. Specifically, at the time of the investigation, it was documented that the hatch could not be locked because the hasp on the south west hatch of the one million gallon ground storage tank had completely rusted through and fallen off.</p> </div>	<p style="text-align: right;"><b>Docket No.</b> 2009-0836-PWS-E</p> <p style="text-align: right;"><b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p> <p style="text-align: right;"><b>Base Penalty</b> <input type="text" value="\$1,000"/></p>																						
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:10%;"></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></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;"><b>OR</b></td> <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;"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table>				<b>Harm</b>						Major	Moderate	Minor		<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	Potential	<input type="text"/>	<input type="text"/>	x
		<b>Harm</b>																					
		Major	Moderate	Minor																			
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																		
	Potential	<input type="text"/>	<input type="text"/>	x																			
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		Major	Moderate	Minor																			
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>																		
<p><b>Violation Events</b></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:40%;">Number of Violation Events <input type="text" value="1"/></td> <td style="width:20%;"></td> <td style="width:20%;">Number of violation days <input type="text" value="65"/></td> <td style="width:20%;"></td> </tr> <tr> <td style="vertical-align: top;"> <p><i>mark only one with an x</i></p> <table style="border-collapse: collapse;"> <tr><td style="padding-right: 5px;">daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table> </td> <td></td> <td></td> <td style="vertical-align: top;"><b>Violation Base Penalty</b> <input type="text" value="\$100"/></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px; text-align: center;"> <p>One single event is recommended.</p> </div>		Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="65"/>		<p><i>mark only one with an x</i></p> <table style="border-collapse: collapse;"> <tr><td style="padding-right: 5px;">daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x			<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="65"/>																					
<p><i>mark only one with an x</i></p> <table style="border-collapse: collapse;"> <tr><td style="padding-right: 5px;">daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x			<b>Violation Base Penalty</b> <input type="text" value="\$100"/>						
daily	<input type="text"/>																						
weekly	<input type="text"/>																						
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single event	x																						
<p><b>Good Faith Efforts to Comply:</b></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>10.0%</b></td> <td style="width:30%; text-align: center;">Reduction</td> <td style="width:30%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> <td></td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="3" style="vertical-align: middle;"><b>Violation Subtotal</b> <input type="text" value="\$90"/></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><input type="text"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p><b>Notes</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The Respondent achieved compliance on May 14, 2009.</p> </div>			<b>10.0%</b>	Reduction			Before NOV	NOV to EDPRP/Settlement Offer		Extraordinary	<input type="text"/>	<input type="text"/>	<b>Violation Subtotal</b> <input type="text" value="\$90"/>	Ordinary	<input type="text"/>	x	N/A	<input type="text"/>	(mark with x)				
	<b>10.0%</b>	Reduction																					
	Before NOV	NOV to EDPRP/Settlement Offer																					
Extraordinary	<input type="text"/>	<input type="text"/>	<b>Violation Subtotal</b> <input type="text" value="\$90"/>																				
Ordinary	<input type="text"/>	x																					
N/A	<input type="text"/>	(mark with x)																					
<p><b>Economic Benefit (EB) for this violation</b></p> <p><b>Statutory Limit Test</b></p> <p><b>Estimated EB Amount</b> <input type="text" value="\$1"/>      <b>Violation Final Penalty Total</b> <input type="text" value="\$97"/></p> <p style="text-align: right;"><b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$97"/></p>																							

## Economic Benefit Worksheet

**Respondent** City of Staton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202804  
**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
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No commas or \$

**Delayed Costs**

Equipment	\$150	25-Mar-2009	14-May-2009	0.14	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to provide a lockable cover on the south west hatch of the one million gallon ground 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 \$150

TOTAL \$1

<b>Screening Date</b> 29-May-2009	<b>Docket No.</b> 2009-0836-PWS-E	<b>PCW</b>															
<b>Respondent</b> City of Slaton		<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 37732		<small>PCW Revision October 30, 2009</small>															
<b>Reg. Ent. Reference No.</b> RN101202604																	
<b>Media [Statute]</b> Public Water Supply																	
<b>Enf. Coordinator</b> Christopher Keffer																	
<b>Violation Number</b> <input type="text" value="4"/>																	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(c)(4)																
<b>Violation Description</b>	Failed to provide all water storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the Facility's two elevated storage tanks were not equipped with an operable water level indicator.																
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
	<b>Harm</b>																
	Major	Moderate	Minor														
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px; text-align: center;">x</td> </tr> </table>		Actual				Potential			x	<b>Percent</b> <input type="text" value="10%"/>						
Actual																	
Potential			x														
<b>&gt;&gt; Programmatic Matrix</b>																	
	<b>Falsification</b>																
	Major	Moderate	Minor														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> <td style="width:50px; height: 15px;"></td> </tr> </table>						<b>Percent</b> <input type="text" value="0%"/>										
<b>Matrix Notes</b>	Failing to equip the elevated storage tanks with a proper water level indicator prevents the Facility from properly monitoring water usage and making necessary calculations to determine available storage capacity thereby exposing consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.																
	<b>Adjustment</b>	<input type="text" value="\$900"/>	<input type="text" value="\$100"/>														
<b>Violation Events</b>																	
	<b>Number of Violation Events</b>	<input type="text" value="2"/>	<b>Number of violation days</b>														
		<input type="text" value="65"/>															
	<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">weekly</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">monthly</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">annual</td><td style="width:50px; height: 15px;"></td></tr> <tr><td style="text-align: center;">single event</td><td style="width:50px; height: 15px; text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> <input type="text" value="\$200"/>
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
	Two single events are recommended.																
<b>Good Faith Efforts to Comply</b>																	
	<b>10.0%</b>	<b>Reduction</b>	<input type="text" value="\$20"/>														
	<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>															
	Extraordinary																
	Ordinary	x															
	N/A	<small>(mark with x)</small>															
<b>Notes</b>	The Respondent achieved compliance on June 8, 2009.																
	<b>Violation Subtotal</b>	<input type="text" value="\$180"/>															
<b>Economic Benefit (EB) for this violation</b>																	
	<b>Estimated EB Amount</b>	<input type="text" value="\$6"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$194"/>														
	<b>Statutory Limit Test</b>																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$194"/>														

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202804  
**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)				0.00	\$0	\$0	\$0
Engineering/construction	\$410	25-Mar-2009	8-Jun-2009	0.21	\$0	\$6	\$6
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount necessary to equip the elevated storage tanks with a water level indicator that is in working condition, 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

\$410

TOTAL

\$6

<p><b>Screening Date</b> 29-May-2009</p> <p><b>Respondent</b> City of Slaton</p> <p><b>Case ID No.</b> 37732</p> <p><b>Reg. Ent. Reference No.</b> RN101202604</p> <p><b>Media [Statute]</b> Public Water Supply</p> <p><b>Enf. Coordinator</b> Christopher Keffer</p> <p><b>Violation Number</b> <input type="text" value="5"/></p> <p><b>Rule Cite(s)</b> <input type="text" value="30 Tex. Admin. Code § 290.44(h)(1)(A)"/></p> <p><b>Violation Description</b> <input type="text" value="Failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists. Specifically, at the time of the investigation, it was documented that the following locations did not have backflow prevention devices: Brite Way Cleaners, Family Medical Clinic, Slaton Primary Medical Clinic, the dental clinic, the car wash, and the two hose bibbs located at sewer lift stations."/></p>	<p><b>Docket No.</b> 2009-0836-PWS-E</p> <p style="text-align: right;"><b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2009</i></p>																									
<b>Base Penalty</b> <input type="text" value="\$1,000"/>																										
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																										
<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;"><b>OR</b></td> <td colspan="3"></td> <td style="text-align: center;"><b>Percent</b> <input type="text" value="50%"/></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table>			<b>Harm</b>					Major	Moderate	Minor		<b>OR</b>				<b>Percent</b> <input type="text" value="50%"/>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	x	<input type="text"/>	<input type="text"/>	
	<b>Harm</b>																									
	Major	Moderate	Minor																							
<b>OR</b>				<b>Percent</b> <input type="text" value="50%"/>																						
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
Potential	x	<input type="text"/>	<input type="text"/>																							
<b>&gt;&gt; Programmatic Matrix</b>																										
<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;"><b>OR</b></td> <td colspan="3"></td> <td style="text-align: center;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> </table>			Major	Moderate	Minor		<b>OR</b>				<b>Percent</b> <input type="text" value="0%"/>	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>											
	Major	Moderate	Minor																							
<b>OR</b>				<b>Percent</b> <input type="text" value="0%"/>																						
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>																							
<b>Matrix Notes</b>	<input type="text" value="Without a proper backflow prevention assembly or air gap installed, the water supplied for human consumption could be exposed to significant amounts of contamination which would exceed levels that are protective of human health."/>																									
<b>Adjustment</b> <input type="text" value="\$500"/>																										
<input type="text" value="\$500"/>																										
<b>Violation Events</b>																										
Number of Violation Events <input type="text" value="7"/>	Number of violation days <input type="text" value="65"/>																									
<p><i>mark only one with an x</i></p> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b> <input type="text" value="\$3,500"/>											
daily	<input type="text"/>																									
weekly	<input type="text"/>																									
monthly	<input type="text"/>																									
quarterly	<input type="text"/>																									
semiannual	<input type="text"/>																									
annual	<input type="text"/>																									
single event	x																									
<input type="text" value="Seven single events (one event per connection) are recommended."/>																										
<b>Good Faith Efforts to Comply</b>																										
<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;"><b>0.0% Reduction</b></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>			<b>0.0% Reduction</b>			Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)										
	<b>0.0% Reduction</b>																									
	Before NOV	NOV to EDRP/Settlement Offer																								
Extraordinary	<input type="text"/>	<input type="text"/>																								
Ordinary	<input type="text"/>	<input type="text"/>																								
N/A	x	(mark with x)																								
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																									
<b>Violation Subtotal</b> <input type="text" value="\$3,500"/>																										
<b>Economic Benefit (EB) for this violation</b>																										
<b>Estimated EB Amount</b> <input type="text" value="\$57"/>	<b>Statutory Limit Test</b>																									
<b>Violation Final Penalty Total</b> <input type="text" value="\$3,745"/>																										
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,745"/>																										

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202604  
**Media** Public Water Supply  
**Violation No.** 5

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

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

**Delayed Costs**

Equipment	\$875	25-Mar-2009	28-Feb-2010	0.93	\$3	\$54	\$57
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to install a backflow prevention assembly or an air gap at seven connections, 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

\$875

TOTAL

\$57

<p><b>Screening Date</b> 29-May-2009  <b>Respondent</b> City of Slaton  <b>Case ID No.</b> 37732  <b>Reg. Ent. Reference No.</b> RN101202604  <b>Media [Statute]</b> Public Water Supply  <b>Enf. Coordinator</b> Christopher Keffer  <b>Violation Number</b> 8  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(u)  <b>Violation Description</b>                  Failed to plug an abandoned public water supply well with cement according to 16 Tex. Admin. Code Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers); or test the well every five years or as required by the Executive Director to prove that they are in a non-deteriorated condition. Specifically, at the time of the investigation, it was documented that there are 24 wells that are not plugged or had not been tested within 5 years.</p>	<p><b>Docket No.</b> 2009-0836-PWS-E  <b>PCW</b>                  Policy Revision 2 (September 2002)                  PCW Revision October 30, 2009</p>
<b>Base Penalty</b> \$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>	
<b>Harm</b>	
Release	Major      Moderate      Minor
Actual	<input type="text"/> <input type="text"/> <input type="text"/>
Potential	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>OR</b>	<b>Percent</b> 50%
<b>&gt;&gt; Programmatic Matrix</b>	
<b>Falsification</b>	
Major      Moderate      Minor	
<input type="text"/> <input type="text"/> <input type="text"/>	
<b>Percent</b> 0%	
<b>Matrix Notes</b>	Failure to plug the abandoned well could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.
<b>Adjustment</b> \$500	
<b>\$1,000</b>	
<b>Violation Events</b>	
Number of Violation Events	24      65      Number of violation days
mark only one with an x	daily <input type="checkbox"/> weekly <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> semiannual <input type="checkbox"/> annual <input type="checkbox"/> single event <input checked="" type="checkbox"/>
<b>Violation Base Penalty</b> \$12,000	
Twenty-four single events (one event per well) are recommended.	
<b>Good Faith Efforts to Comply</b>	
<b>0.0% Reduction</b> \$0	
Before NOV      NOV to ED/PRP/Settlement Offer	
Extraordinary	<input type="text"/> <input type="text"/>
Ordinary	<input type="text"/> <input type="text"/>
N/A	<input checked="" type="checkbox"/> (mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
<b>Violation Subtotal</b> \$12,000	
<b>Economic Benefit (EB) for this violation</b>	
<b>Estimated EB Amount</b>	\$6,167
<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b> \$12,840	
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$12,840	

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202804  
**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	\$69,600	25-Mar-2009	30-Jun-2010	1.27	\$294	\$5,873	\$6,167
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to plug or test the abandoned wells (\$2,900 per well), 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

\$89,600

TOTAL

\$6,167

<b>Screening Date</b> 29-May-2009	<b>Docket No.</b> 2009-0836-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Slaton		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 37732		<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b> RN101202604		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Christopher Keffer		
<b>Violation Number</b> <input type="text" value="7"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a)	
<b>Violation Description</b>	Failed to develop and maintain and up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation the Respondent did not have a monitoring plan.	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
	<b>Harm</b>	
	Release	Major      Moderate      Minor
<b>OR</b>	Actual	<input type="text"/> <input type="text"/> <input type="text"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification	Major      Moderate      Minor
	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	<b>Percent</b>	<input type="text" value="25%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.	
	<b>Adjustment</b>	<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
<b>Violation Events</b>		
	<input type="text" value="1"/>	<input type="text" value="65"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>
	One single event is recommended.	
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$25"/>
	Before NOV      NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/> (mark with x)	
<b>Notes</b>	The Respondent submitted their chemical and microbiological monitoring plan to the Lubbock Regional Office on June 8, 2009.	
	<b>Violation Subtotal</b>	<input type="text" value="\$225"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b>	<input type="text" value="\$3"/>
<b>Statutory Limit Test</b>		
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$243"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		<input type="text" value="\$243"/>

## Economic Benefit Worksheet

**Respondent** City of Slaton  
**Case ID No.** 37732  
**Reg. Ent. Reference No.** RN101202804  
**Media** Public Water Supply  
**Violation No.** 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$250	25-Mar-2009	8-Jun-2009	0.21	\$3	n/a	\$3

Notes for DELAYED costs: The delayed costs includes the amount to develop and begin maintaining a chemical and microbiological monitoring plan, 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 TOTAL  
\$250 \$3

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600735005 City Of Slaton	Classification: AVERAGE	Rating: 6.25
Regulated Entity:	RN101202604 CITY OF SLATON	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1520004 1520004
Location:	130 S 9TH ST, SLATON, TX, 79364		
TCEQ Region:	REGION 02 - LUBBOCK		
Date Compliance History Prepared:	May 27, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	May 27, 2004 to May 27, 2009		

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

Name: Christopher Keffer Phone: 239 - 5610

### Site Compliance History Components

- |                                                                                              |     |
|----------------------------------------------------------------------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?                                                         | N/A |
| 4. If Yes, who was/were the prior owner(s)?                                                  | N/A |
| 5. When did the change(s) in ownership occur?                                                | N/A |
| 6.                                                                                           |     |

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	03/27/2006	(458570)
	2	07/05/2006	(485357)
	3	11/27/2007	(597362)
	4	02/11/2008	(617897)
	5	05/12/2009	(744539)

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

Date:	03/27/2006 (458570)	CN600735005	
N/A Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)		
Description:	Facility failed to maintain required chlorine residual throughout the distribution system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Facility failed to maintain required water pressure under normal operating conditions throughout the distribution system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)		

Description: Facility failed to provide proper sealing blocks on all wells. The sealing blocks are all cracked.

Date: 11/27/2007 (597362) CN600735005

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to properly secure the hatch on Ground Storage Tank #3. The lock hasp on Ground Storage Tank #3 was completely rusted to the point that it was loose from the weld point on the hatch curb.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to maintain Ground Storage Tank #3 in a thoroughly leak proof condition including failure to provide a positive seal gasket on the ground storage tank hatch.

Self Report? NO Classification: Moderate

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

Description: Failure to properly seal the pump base and screen the casing vent on Well #23.

Self Report? NO Classification: Moderate

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

Description: Failure to properly seal the pump base on Well #27.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to maintain Ground Storage Tank #4 in a thoroughly leak proof condition. The roof of the ground storage tank has rusted through around the edges and around the base of the roof vent.

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 SLATON  
RN101202604**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-0836-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The City owns and operates a public water supply at 130 South 9th Street in Slaton, Lubbock County, Texas (the "Facility") that has approximately 2,172 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about May 18, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seventeen Thousand Four Hundred Sixty-Eight Dollars (\$17,468) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Three Thousand Four Hundred Ninety-Three Dollars (\$3,493) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed



- Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Thirteen Thousand Nine Hundred Seventy-Five Dollars (\$13,975) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  8. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
    - a. On May 14, 2009, repaired the hasp on the south west hatch of the one million gallon ground storage;
    - b. On June 8, 2009, equipped all water storage tanks with a liquid level indicator located at the tank site;
    - c. On June 8, 2009, developed an up-to-date chemical and microbiological monitoring plan; and
    - d. On June 18, 2009, developed an up-to-date and thorough plant operation manual for operator review and reference.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to ensure that ground water sources are located so that there will be no danger of pollution from flooding or from unsanitary surroundings, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1), as documented during an investigation conducted on March 25, 2009.



2. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1), as documented during an investigation conducted on March 25, 2009.
3. Failed to ensure that the hatch on the all ground storage tanks remain locked except during inspection and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on March 25, 2009.
4. Failed to provide all water storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on March 25, 2009.
5. Failed to install a backflow prevention assembly or an air gap at all residences and establishments where an actual or potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on March 25, 2009.
6. Failed to plug an abandoned public water supply well with cement according to 16 TEX. ADMIN. CODE Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers); or test the well every five years or as required by the Executive Director to prove that they are in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on March 25, 2009.
7. Failed to develop and maintain and up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on March 25, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to to "TCEQ" and shall be sent with the notation "Re: City of Slaton, Docket No. 2009-0836-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 Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 5 above, Thirteen Thousand Nine Hundred Seventy-Five Dollars (\$13,975) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent'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. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of well number 27, as required by 30 TEX. ADMIN. CODE § 290.41;
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described detailed in Ordering Provision 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a;
  - c. Within 180 days after the effective date of this Agreed Order, install a backflow prevention assembly or air gap at all residences or establishments where an actual or potential contamination hazard exists, including but not limited to the Brite Way Cleaners, Family Medical Clinic, Slaton Primary Medical Clinic, the dental clinic, the car wash, and the two hose bibbs located at sewer lift stations, as required by 30 TEX. ADMIN. CODE § 290.44. In addition, identify any potential hazards identified in 30 TEX. ADMIN. CODE § 290.47(i) and provide those hazards with additional protection in the form of an air gap or backflow protection assembly;
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described detailed in Ordering Provision 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c;
  - e. Within 365 days after the effective date of this Agreed Order, plug abandoned public water supply wells with cement according to 16 TEX. ADMIN. CODE Chapter 76 or demonstrate that they are in a non-deteriorated condition, as required by 30 TEX. ADMIN. CODE § 290.46; and submit plugging reports or reports that demonstrate the wells are in a non-deteriorated condition for the following wells: G1520004H, G1520004O, G1520004N, G1520004M, G1520004L, G1520004K, G1520004I, G1520004P, G1520004G, G1520004T, G1520004Q, G1520004R, G1520004J, G1520004S, G1520004AA, G1520004U, G1520004V, G1520004W, G1520004X, G1520004Z, G1520004A, G1520004B, G1520004C, and G1520004D; and
  - f. Within 380 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 No. 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  
Lubbock Regional Office  
Texas Commission on Environmental Quality  
5012 50th Street, Suite 100  
Lubbock, Texas 79414-3421

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



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John Slaton*  
For the Executive Director

12/11/2009  
Date

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

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

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

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

*Roger McKinney*  
Signature

10-1-2009  
Date

Roger McKinney  
Name (Printed or typed)  
Authorized Representative of  
City of Slaton

City Administrator  
Title

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



Attachment A  
Docket Number: 2009-0836-PWS-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Slaton

**Payable Penalty Amount:** Thirteen Thousand Nine Hundred Seventy-Five Dollars  
(\$13,975)

**SEP Amount:** Thirteen Thousand Nine Hundred Seventy-Five Dollars  
(\$13,975)

**Type of SEP:** Pre-approved

**Third-Party Recipient:** Texas Association of Resource Conservation and Development  
Areas, Inc. ("RC&D")- Water or Wastewater Treatment  
Assistance

**Location of SEP:** Lubbock 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 to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.



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**

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:

Texas Association of Resource Conservation and Development Areas, Inc.  
1716 Briarcrest Drive, Suite 510  
Bryan, Texas 77802-2700

**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.

