

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1628-PWS-E TCEQ ID: RN101386514 CASE NO.: 38486

RESPONDENT NAME: City of Trinidad

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 Trinidad, located north of State Highway 31 on North League Line Road, Trinidad, Henderson County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on July 31, 2009, alleging the complainant's water had a yellow discoloration and an unpleasant taste and odor. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 1, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Kay Hernandez, Mayor, City of Trinidad, P.O. Box 345, Trinidad, Texas 75163 Ms. Terri Newhouse, City Administrator, City of Trinidad, P.O. Box 345, Trinidad, Texas 75163 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: July 31, 2009</p> <p>Date of Investigation Relating to this Case: August 5, 2009</p> <p>Date of NOV/NOE Relating to this Case: October 2, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to maintain the elevated storage tank in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>2) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>3) Failure to provide an all-weather access road to the raw water pump station [30 TEX. ADMIN. CODE § 290.41(e)(4)].</p> <p>4) Failure to provide a transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(C) and TEX. HEALTH & SAFETY CODE § 341.0315].</p> <p>5) Failure to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315].</p> <p>6) Failure to perform annual testing on all backflow prevention assemblies by a certified backflow assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p>	<p>Total Assessed: \$1,776</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,776</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>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, as of October 12, 2009, the Respondent began maintaining the elevated storage tank in accordance with AWWA standards.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining a record of the amount of chemicals used each day.</p> <p>b. Within 30 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 a;</p> <p>ii. Ensure that the turbidimeters are properly calibrated;</p> <p>iii. Ensure that the on-line pH meters are properly calibrated; and</p> <p>iv. Ensure that the continuous disinfectant residual analyzers are properly calibrated.</p> <p>c. 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 Provisions b.ii through b.iv;</p> <p>ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment including, but not limited to, repairing the draft tube on Clarifier No. 1, replacing the portion of the raw water line that is rusted and removing overgrown vegetation from the Facility; and</p>

<p>7) Failure to maintain a record of the amount of chemicals used each day [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(I)].</p> <p>8) Failure to calibrate the on-line turbidimeters using primary standards at least once every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii)].</p> <p>9) Failure to calibrate the on-line pH meters at least once every 30 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(ii)].</p> <p>10) Failure to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].</p> <p>11) Failure to provide a treatment plant capacity of 0.6 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(2)(B)].</p>		<p>iii. Ensure that all backflow prevention assemblies are tested by a certified backflow assembly tester to ensure they are operating within specifications including, but not limited to, the assemblies at the wastewater treatment plant and the drinking water plant.</p> <p>d. Within 90 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 Provisions c.ii through c.iii; and</p> <p>ii. Provide an all-weather access road to the raw water pump station.</p> <p>e. Within 180 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 d.ii;</p> <p>ii. Provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service;</p> <p>iii. Provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service; and</p> <p>iv. Provide a treatment plant capacity of 0.6 gpm per connection.</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions e.ii through e.iv.</p>
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Additional ID No(s): PWS ID 1070004



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Oct-2009	Screening	5-Oct-2009	EPA Due	
	PCW	5-Nov-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Trinidad		
Reg. Ent. Ref. No.	RN101386514		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	38486	No. of Violations	11
Docket No.	2009-1628-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$1,410**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **24.0%** Enhancement **Subtotals 2, 3, & 7** **\$338**

Notes Enhancement is due to four Notices of Violation ("NOVs") that contain violations that are the same or similar to those in the current enforcement action and two dissimilar NOVs.

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** **\$10**

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

Total EB Amounts	\$10,811
Approx. Cost of Compliance	\$224,368

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,738**

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

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

Final Penalty Amount **\$1,738**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,776**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$1,776**

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RM101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

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)	4	20%
	Other written NOVs	2	4%
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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 24%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to four Notices of Violation ("NOVs") that contain violations that are the same or similar to those in the current enforcement action and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 24%

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(8)

Violation Description

Failed to maintain the elevated storage tank in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the elevated storage tank was in need of a protective coating.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a protective coating on the Facility's storage tank could lead to corrosion and expose the water supply to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
single event		

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

Good Faith Efforts to Comply

10.0% Reduction

\$10

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The City achieved compliance on October 12, 2009.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,488

Violation Final Penalty Total \$114

This violation Final Assessed Penalty (adjusted for limits) \$114

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101388514
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$114,100	5-Aug-2009	12-Oct-2009	0.19	\$71	\$1,417	\$1,488
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 actual project cost to provide the elevated storage tank with a protective coating. Calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$114,100

TOTAL

\$1,488

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision: October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the draft tube on Clarifier No. 1 was not operational, the raw water line was showing excessive signs of rust and there was overgrown vegetation throughout the Facility.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the good working condition of equipment and the general appearance of the Facility could introduce an insignificant amount of contaminants to the water supply which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events (one for each deficiency) are recommended, based on the date of the investigation, August 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$432

Violation Final Penalty Total \$186

This violation Final Assessed Penalty (adjusted for limits) \$186

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
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)	\$7,500	5-Aug-2009	1-Jun-2010	0.82	\$21	\$411	\$432
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 estimated amount to repair the draft tube on Clarifier No. 1, repair the raw water line and improve the general appearance of the Facility, 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 \$7,500

TOTAL: \$432

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s)

30 Tex. Adm'n. Code § 290.41(e)(4)

Violation Description

Failed to provide an all-weather access road to the raw water pump station.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an all-weather access road could prevent Facility personnel from reaching the raw water pump station during periods of inclement weather which would impair their ability to mitigate any equipment malfunction and as a result could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

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 \$100

Economic Benefit (EB) for this violation

Estimated EB Amount \$127

Statutory Limit Test

Violation Final Penalty Total \$124

This violation Final Assessed Penalty (adjusted for limits) \$124

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	5-Aug-2009	1-Jul-2010	0.90	\$6	\$121	\$127
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 estimated amount to provide an all-weather access road to the raw water pump station. 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$127

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(C) and Tex. Health & Safety Code § 341.0315

Violation Description

Failed to provide a transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a transfer pump capacity of 335 gpm with the largest pump out of service. However, the Facility currently has a transfer pump of 250 gpm with the largest pump out of service, which is a 25% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide adequate transfer pump capacity would not allow the Facility to maintain adequate capacity to provide drinking water to its customers. As a result, the Facility may experience pressure problems or backsiphonage thereby exposing consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semianual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$809

Violation Final Penalty Total \$124

This violation Final Assessed Penalty (adjusted for limits) \$124

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10,000	5-Aug-2009	1-Oct-2010	1.18	\$39	\$771	\$809
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 estimated amount to provide the Facility with adequate transfer pump capacity. 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$809

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(A) and Tex. Health & Safety Code § 341.0315

Violation Description

Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a raw water pump capacity of 335 gpm with the largest pump out of service. However, the Facility currently has only one raw water pump with a capacity of 333 gpm and with it out of service, the Facility would be providing 0 gpm of raw water pumping capacity, which is a 100% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide adequate raw water pump capacity would not allow the Facility to maintain the capacity to provide drinking water to its customers if the raw water pump became non-operational or should the pump be taken out of service for repairs or maintenance. As a result, the Facility may experience pressure problems and backsiphonage, thereby exposing consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Reduction	
	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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7,276

Violation Final Penalty Total \$620

This violation Final Assessed Penalty (adjusted for limits) \$620

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$89,900	5-Aug-2009	1-Oct-2010	1.18	\$346	\$6,929	\$7,276
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 actual project cost to provide the Facility with adequate raw water pump capacity. 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$89,900

TOTAL

\$7,276

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to perform annual testing on all backflow prevention assemblies by a certified backflow assembly tester. Specifically, at the time of the investigation, it was documented that there were no records to indicate that the backflow prevention assemblies at the wastewater treatment plant and the drinking water plant had been tested within the past year.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to perform annual testing on backflow prevention assemblies could result in the non-detection of malfunctions and expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$200

Two annual events are recommended (one for each assembly test), calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$458

Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
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)				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)	\$418	5-Aug-2008	5-Aug-2009	1.92	\$40	\$418	\$458
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct annual tests of the backflow prevention assemblies at the wastewater treatment plant and the drinking water plant. Calculated for the year preceding the investigation date.

Approx. Cost of Compliance

\$418

TOTAL

\$458

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(I)

Violation Description

Failed to maintain a record of the amount of chemicals used each day.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 10% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$12

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: City of Trinidad
Case ID No.: 38486
Reg. Ent. Reference No.: RN101386514
Media: Public Water Supply
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	5-Aug-2009	1-May-2010	0.74	\$4	n/a	\$4
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 estimated amount to keep a record of the amount of chemicals used on a daily basis. 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

\$4

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(B)(iii)

Violation Description

Failed to calibrate the on-line turbidimeters using primary standards at least once every 90 days. Specifically, at the time of the investigation, it was documented that the calibration was not being performed properly because the primary standard being used had expired.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to properly calibrate the turbidimeters could lead to inadequate treatment of the water and expose consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$62

This violation Final Assessed Penalty (adjusted for limits) \$62

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386514
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	5-Aug-2009	1-May-2010	0.74	\$0	\$7	\$8
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 estimated amount to calibrate the turbidimeters using current standards, 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$8

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision: October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(A)(ii)

Violation Description

Failed to calibrate the on-line pH meters at least once every 30 days. Specifically, at the time of the investigation, it was documented that the on-line pH meters were being calibrated once every 90 days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly calibrate the pH meters could lead to inadequate treatment of the water and expose consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EOPRP/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$52

This violation Final Assessed Penalty (adjusted for limits) \$52

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101385514
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)	\$100	5-Aug-2009	1-May-2010	0.74	\$0	\$5	\$5
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 estimated amount to calibrate the on-line pH meters once every 30 days, 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

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(C)(ii)

Violation Description

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly calibrate the disinfectant analyzers could lead to inadequate treatment of the water and expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, August 5, 2009, to the date of screening, October 5, 2009.

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$124

This violation Final Assessed Penalty (adjusted for limits) \$124

Economic Benefit Worksheet

Respondent City of Trinidad
 Case ID No. 38486
 Reg. Ent. Reference No. RN101386514
 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)	\$100	5-Aug-2009	1-May-2010	0.74	\$0	\$5	\$5
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 estimated amount to calibrate the continuous disinfectant residual analyzers once every 90 days, 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

Screening Date 5-Oct-2009

Docket No. 2009-1628-PWS-E

PCW

Respondent City of Trinidad

Policy Revision 2 (September 2002)

Case ID No. 38486

PCW Revision October 30, 2008

Reg. Ent. Reference No. RM101386514

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 11

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(B)

Violation Description

Failed to provide a treatment plant capacity of 0.6 gpm per connection. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a treatment plant capacity of 335 gpm. However, the Facility currently provides 333 gpm of treatment capacity, which is a 1% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide adequate treatment plant capacity could expose consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$62

This violation Final Assessed Penalty (adjusted for limits) \$62

Economic Benefit Worksheet

Respondent City of Trinidad
Case ID No. 38486
Reg. Ent. Reference No. RN101386614
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
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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

The economic benefit associated with this violation is captured in Violation No. 5.

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

\$0

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator: CN600333942 City of Trinidad Classification: AVERAGE Rating: 2.82
 Regulated Entity: RN101386514 CITY OF TRINIDAD Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1070004
 WATER LICENSING LICENSE 1070004
 Location: N OF SH31 ON N LEAGUE LINE RD IN TRINIDAD,
 HENDERSON CO, TX

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: October 05, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 05, 2004 to October 05, 2009

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

Name: Stephen Thompson Phone: (512) 239-2558

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 02/17/2005 (349493)
- 2 01/10/2006 (438317)
- 3 10/05/2006 (513306)
- 4 09/12/2007 (572295)
- 5 10/08/2008 (704012)

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

Date: 02/22/2005 (349493)

CN600333942

Self Report? NO

Classification: Minor

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

Description: Map of the distribution area is not current

Self Report? NO

Classification: Minor

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

Description: Failure to conduct annual inspections on the 100,000 gallon elevated storage tank

Date: 01/17/2006 (438317) CN600333942
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Map of the distribution area is not current
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to conduct annual inspections on the 100,000 gallon elevated storage tank

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain an adequate protective coating on the elevated storage tank.

Date: 08/08/2006 (510540) CN600333942
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain an adequate chlorine residual in the distribution system at all times.

Date: 10/09/2006 (513306) CN600333942
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain an adequate protective coating on the elevated storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(III)
Description: Failure to calibrate the online raw water turbidimeter with primary standards at least once every ninety days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)
Description: Failure to provide disinfection equipment that has a capacity of at least 50% greater than the highest expected dosage.

Date: 09/14/2007 (572295) CN600333942
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain an adequate protective coating on the elevated storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(III)
Description: Failure to calibrate the online raw water turbidimeter with primary standards at least once every ninety days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
Description: Failure to provide an acceptable backflow prevention device for the make-up-water lines.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(9)
Description: Failure to provide flocculation equipment on clarifier #2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to perform maintenance on general water treatment facilities.

Date: 10/14/2008 (704012) CN600333942
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain an adequate protective coating on the elevated storage tank.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(A)
Description: Failure to provide disinfection equipment that has a capacity of at least 50% greater than the highest expected dosage.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
Description: Failure to provide an acceptable backflow prevention device for the make-up-water lines.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(9)
Description: Failure to provide flocculation equipment on clarifier #2.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to perform maintenance on general water treatment facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(4)
Description: Failure to provide an all weather access road to the raw water pumps.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)
5A THSC Chapter 341, SubChapter A 341.0315
Description: Failure to provide the agency's minimum transfer pump capacity with the largest pump out-of-service.

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 THE
CITY OF TRINIDAD
RN101386514**

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

AGREED ORDER DOCKET NO. 2009-1628-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 the City of Trinidad ("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 public water supply located north of State Highway 31 on North League Line Road in Trinidad, Henderson County, Texas (the "Facility") that has approximately 558 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not maintain the elevated storage tank in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the elevated storage tank was in need of a protective coating.
3. During an investigation conducted on August 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 Facility and its equipment. Specifically, at the time of the investigation, it was documented that the draft tube on Clarifier No. 1 was not operational, the raw water line was showing excessive signs of rust and there was overgrown vegetation throughout the Facility.
4. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not provide an all-weather access road to the raw water pump station.
5. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not provide a transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a transfer pump capacity of 335 gpm with the largest pump out of service. However, the Facility currently has a transfer pump of 250 gpm with the largest pump out of service, which is a 25% deficiency.
6. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a raw water pump capacity of 335 gpm with the largest pump out of service. However, the Facility currently has only one raw water pump with a capacity of 333 gpm and with it out of service, the Facility would be providing 0 gpm of raw water pumping capacity, which is a 100% deficiency.
7. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not perform annual testing on all backflow prevention assemblies by a certified backflow assembly tester. Specifically, at the time of the investigation, it was documented that there were no records to indicate that the backflow prevention assemblies at the wastewater treatment plant and the drinking water plant had been tested within the past year.
8. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not maintain a record of the amount of chemicals used each day.
9. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not calibrate the on-line turbidimeters using primary standards at least once every 90 days. Specifically, at the time of the investigation, it was documented that the calibration was not being performed properly because the primary standard being used had expired.

10. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not calibrate the on-line pH meters at least once every 30 days. Specifically, at the time of the investigation, it was documented that the on-line pH meters were being calibrated once every 90 days.
11. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.
12. During an investigation conducted on August 5, 2009, TCEQ staff documented that the City did not provide a treatment plant capacity of 0.6 gpm per connection. Specifically, at the time of the investigation, it was documented that the Facility serves 558 connections and is required to provide a treatment plant capacity of 335 gpm. However, the Facility currently provides 333 gpm of treatment capacity, which is a 1% deficiency.
13. The City received notice of the violations on October 7, 2009.
14. The Executive Director recognizes that as of October 12, 2009, the City began maintaining the elevated storage tank in accordance with AWWA standards.

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 elevated storage tank in strict accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
3. As evidenced by Findings of Fact No. 3, the City failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Findings of Fact No. 4, the City failed to provide an all-weather access road to the raw water pump station, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(4).
5. As evidenced by Findings of Fact No. 5, the City failed to provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(C) and TEX. HEALTH & SAFETY CODE § 341.0315.
6. As evidenced by Findings of Fact No. 6, the City failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315.
7. As evidenced by Findings of Fact No. 7, the City failed to perform annual testing on all backflow prevention assemblies by a certified backflow assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).

8. As evidenced by Findings of Fact No. 8, the City failed to maintain a record of the amount of chemicals used each day, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(I).
9. As evidenced by Findings of Fact No. 9, the City failed to calibrate the on-line turbidimeters using primary standards at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii).
10. As evidenced by Findings of Fact No. 10, the City failed to calibrate the on-line pH meters at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(iii).
11. As evidenced by Findings of Fact No. 11, the City failed to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii).
12. As evidenced by Findings of Fact No. 12, the City failed to provide a treatment plant capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(B).
13. 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.
14. An administrative penalty in the amount of One Thousand Seven Hundred Seventy-Six Dollars (\$1,776) 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). The City has paid the One Thousand Seven Hundred Seventy-Six Dollar (\$1,776) administrative penalty.

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 One Thousand Seven Hundred Seventy-Six Dollars (\$1,776) as set forth in Section II, Paragraph 14 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 Trinidad, Docket No. 2009-1628-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 undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining a record of the amount of chemicals used each day, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a;
 - ii. Ensure that the turbidimeters are properly calibrated, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Ensure that the on-line pH meters are properly calibrated, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iv. Ensure that the continuous disinfectant residual analyzers are properly calibrated, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described below in Ordering Provision No. 2.f, 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.iv;
 - ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to, repairing the draft tube on Clarifier No. 1, replacing the portion of the raw water line that is rusted and removing overgrown vegetation from the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Ensure that all backflow prevention assemblies are tested by a certified backflow assembly tester to ensure they are operating within specifications, including but not limited to, the assemblies at the wastewater treatment plant and the drinking water plant, in accordance with 30 TEX. ADMIN. CODE § 290.44.

- d. Within 90 days after the effective date of this Agreed Order:
- i. Submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.ii through 2.c.iii; and
 - ii. Provide an all-weather access road to the raw water pump station, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- e. Within 180 days after the effective date of this Agreed Order:
- i. Submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.ii;
 - ii. Provide a transfer pump capacity of 0.6 gpm per connection with the largest pump out of service, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - iii. Provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iv. Provide a treatment plant capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.ii through 2.e.iv. 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

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 Sullivan
For the Executive Director

2/8/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Trinidad. I am authorized to agree to the attached Agreed Order on behalf of the City of Trinidad, 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, the City of Trinidad 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.

Terri Newhouse
Signature

12/8/09
Date

Terri Newhouse
Name (Printed or typed)
Authorized Representative of
City of Trinidad

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 III, Paragraph 1 of this Agreed Order.