

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0639-MLM-E **TCEQ ID:** RN101388544 **CASE NO.:** 37555
RESPONDENT NAME: City of Mart

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 checked="" 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 checked="" 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 Mart, 112 North Commerce Street, Mart, McLennan County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: 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 15, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Norman R. Hopping, Mayor, City of Mart, P.O. Box 360, Mart, Texas 76664-0360 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 6 and May 7, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 9 and June 22, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation and a records review.</p> <p>WATER</p> <p>1) Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(n)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.b.ii].</p> <p>3) Failed to maintain all water storage tanks thoroughly tight against leakage [30 TEX. ADMIN. CODE §§ 290.43(c)(6) and 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No.2.d.iv].</p> <p>4) Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators [30 TEX. ADMIN. CODE § 290.42(d)(1)(D)(i) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.iii].</p> <p>5) Failed to employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license and failed to</p>	<p>Total Assessed: \$22,164</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 (Due) to General Revenue: \$639 (remaining \$21,525 due in 35 monthly payments of \$615 each)</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 checked="" 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. Also, this case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of June 1, 2009, provided adequate containment facilities for the ammonium sulfate barrels, ammonium sulfate day tanks, and alum barrels.</p> <p>b. As of June 25, 2009, replaced the leaking bolted steel ground storage tank which stopped the discharge.</p> <p>c. As of June 30, 2009:</p> <p>i. Extended the fence to six feet in height at the Hawkins site and the Highway 164 plant and repaired the broken barbed wire at the Lumpkin site; and</p> <p>ii. Installed a lockable door on the building housing the raw water pumps, fencing on the lake side of the raw water pump station, and three strands of barbed wire on the fence surrounding the surface water treatment plant.</p> <p>d. As of July 15, 2009, repaired the leak in the vertical turbine on transfer pump no. 2; and</p> <p>e. As of September 1, 2009, repaired the motor on the fan of the forced air ventilation system in the chlorine room.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: an up-to-date map of the distribution system, annual tank inspection forms for the clearwell and the below ground storage tanks, all calibration reports for all the instruments used to monitor the surface water treatment process and a calibration test report for the decant meter.</p>

<p>ensure the current operator has completed the Surface Water Unit I and II courses [30 TEX. ADMIN. CODE § 290.46(e)(6)(B), TEX. HEALTH & SAFETY CODE § 341.033(a) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.b.iii].</p> <p>6) Failed to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.a].</p> <p>7) Failed to provide an intruder-resistant fence around all water storage tanks and pressure maintenance Facilities [30 TEX. ADMIN. CODE § 290.43(e) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.i].</p> <p>8) Failed to provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(6)(C)].</p> <p>9) Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>10) Failed to provide the chlorine enclosure room with forced air ventilation that includes a fan that is located at and draws air through the top vent and discharges to the outside atmosphere through the floor level vent [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p> <p>11) Failed to ensure backflow prevention assemblies which are installed to provide protection against health hazards are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].</p> <p>12) Failed to provide an intruder-resistant fence with lockable gates or lockable building around the raw water pump station and all appurtenances [30 TEX. ADMIN. CODE § 290.41(e)(5)].</p>		<p>b. Within 30 days after the effective date of this Agreed Order:</p> <ul style="list-style-type: none">i. Employ an additional water works operator who holds a minimum of a Class "C" surface water license and have the current operator take the required Surface Water Unit I and II courses;ii. Equip the below ground storage tank's roof hatch at the surface water treatment plant with a lock;iii. Ensure that the backflow prevention assemblies at the waste water treatment plant, Rucker Clinic, and Kwik Kar Wash are tested and certified to be operating within specifications by a recognized backflow prevention assembly tester; andiv. Identify all the chemical feed lines by utilizing labels or paint every five feet. <p>c. Within 45 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a and b;</p> <p>d. Within 60 days after the effective date of this Agreed Order, equip each filter at the Facility with a manually adjustable rate-of-flow controller with a rate-of-flow indication or flow control valves with indicators;</p> <p>e. Within 75 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision d;</p> <p>f. Within 90 days after the effective date of this Agreed Order, provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators during periods when the plant is not staffed;</p> <p>g. Within 105 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision f;</p> <p>h. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for</p>
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<p>13) Failed to ensure that all hatch openings on the ground storage tanks remain locked except during inspection and maintenance activities [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>14) Failed to provide an intruder-resistant fence around all water storage tanks and pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>15) Failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].</p> <p>16) Failed to prevent the unauthorized discharge of other waste into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(2)].</p>		<p>TTHM; and</p> <p>i. 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 h.</p>
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Additional ID No(s): PWS 1550005



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Apr-2009	Screening	1-May-2009	EPA Due	1-Jun-2009
	PCW	24-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Mart
Reg. Ent. Ref. No.	RN101388544
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37555	No. of Violations	1
Docket No.	2009-0639-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Andrea Linson-Mgbeodur
		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 two written NOV's with the same or similar violations, seven NOV's with dissimilar violations and three agreed final enforcement orders containing a denial of liability.

Culpability Enhancement *Subtotal 4*

Notes: The Respondent was issued an alert letter for total trihalomethanes ("TTHM") exceedances on December 11, 2007.

Good Faith Effort to Comply Total Adjustments *Subtotal 5*

Economic Benefit Enhancement *Subtotal 6*

Total EB Amounts	\$478
Approx. Cost of Compliance	\$2,500

*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:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 1-May-2009

Docket No. 2009-0639-MLM-E

PCW

Respondent City of Mart

Policy Revision 2 (September 2002)

Case ID No. 37555

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388544

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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) 84%

>> 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 two written NOVs with the same or similar violations, seven NOVs with dissimilar violations and three agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 84%

Screening Date: 1-May-2009	Docket No.: 2009-0639-MLM-E	PCW		
Respondent: City of Mart		<i>Policy Revision 2 (September 2002)</i>		
Case ID No.: 37555		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.: RN101388544				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Andrea Linson-Mgbeoduru				
Violation Number: 1				
Rule Cite(s):	30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description:	Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.093 mg/L during the third quarter of 2008 and 0.125 mg/L during the first quarter of 2009.			
	Base Penalty:	\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual		X	
	Potential			
		Percent:	50%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent:	0%	
Matrix Notes:	Customers of the water supply have been exposed to significant amounts of contaminants which did not exceed levels protective of human health.			
	Adjustment:	\$500		
			\$500	
Violation Events				
	Number of Violation Events:	1	Number of violation days: 181	
<i>mark only one with an x</i>	daily		Violation Base Penalty: \$500	
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	X		
	single event			
	One annual event is recommended.			
Good Faith Efforts to Comply		0.0% Reduction	\$0	
	Before NOV	NOV to EDPRP/Settlement		
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:	\$478	Violation Final Penalty Total:	\$1,045	
	This violation Final Assessed Penalty (adjusted for limits):		\$1,045	

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No. 37555
 Reg. Ent. Reference No. RN101388544
 Media Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	9-Jul-2008	1-Apr-2011	2.73	\$23	\$465	\$478
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 necessary to implement an alternate method of disinfection, calculated from the first quarter of non-compliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$478



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	29-Jun-2009			
	PCW	24-Nov-2009	Screening	23-Jul-2009	EPA Due 1-Jun-2009

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Mart				
Reg. Ent. Ref. No.	RN101388544				
Facility/Site Region	9-Waco	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	37555	No. of Violations	14		
Docket No.	2009-0639-MLM-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media	Water Quality	Enf. Coordinator	Andrea Linson-Mgbeodur		
		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:	\$11,160
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	81.0% Enhancement	Subtotals 2, 3 & 7: \$9,039
Notes	Enhancement is due to one written NOV's with the same or similar violations, eight NOV's with dissimilar violations and three agreed final enforcement orders containing a denial of liability.	
Culpability	No 0.0% Enhancement	Subtotal 4: \$0
Notes	The culpability criteria was not met.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5: \$642
Economic Benefit	0.0% Enhancement	Subtotal 6: \$0
Total EB Amounts	\$50,975	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$52,341	
SUM OF SUBTOTALS 1-7	Final Subtotal:	\$19,557
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment:
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>		
Notes		
	Final Penalty Amount	\$19,557
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty: \$19,589
DEFERRAL	0.0% Reduction	Adjustment: \$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	No deferral is recommended for Findings Orders.	
PAYABLE PENALTY		\$19,589

Screening Date: 23-Jul-2009

Docket No. 2009-0639-MLM-E

PCW

Respondent: City of Mart

Policy Revision 2 (September 2002)

Case ID No. 37555

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388544

Media [Statute] Public Water Supply

Enf. Coordinator: Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site: Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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 judgments 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) 81%

>> 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 one written NOVs with the same or similar violations, eight NOVs with dissimilar violations and three agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 81%

Screening Date 23-Jul-2009	Docket No. 2009-0639-MLM-E	PCW	
Respondent: City of Mart		<small>Policy Revision 2 (September 2007)</small>	
Case ID No.: 37555		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.: RN101388544			
Media [Statute] Public Water Supply			
Enf. Coordinator: Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(E)(II)		
Violation Description	Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, it was documented that the liquid ammonium sulfate barrels, liquid ammonium sulfate day tank, and alum drums did not have secondary containment.		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="50%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent
			<input type="text" value="0%"/>
Matrix Notes	Failure to provide secondary containment facilities for liquid chemical storage tanks could expose employees or the environment to a significant amount of chemicals which would exceed levels that are protective of human health and environmental receptors.		
		Adjustment	<input type="text" value="\$500"/>
			<input type="text" value="\$500"/>
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="25"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty
	weekly	<input type="text"/>	
	monthly	x	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	<input type="text" value="\$500"/>		
	One monthly event is recommended calculated from the investigation date, May 7, 2009, to the date of compliance, June 1, 2009.		
Good Faith Efforts to Comply			
	<input type="text" value="25.0% Reduction"/>		<input type="text" value="\$125"/>
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	x	<input type="text"/>	
N/A	<input type="text"/>	<small>(mark with x)</small>	
Notes	The Respondent achieved compliance June 1, 2009.		
		Violation Subtotal	<input type="text" value="\$375"/>
Economic Benefit (EB) for this violation			
	Estimated EB Amount	<input type="text" value="\$5"/>	Violation Final Penalty Total
			<input type="text" value="\$780"/>
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$760"/>

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No.: 37555
 Reg. Ent. Reference No.: RN101388544
 Media: Public Water Supply
 Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	7-May-2009	1-Jun-2009	0.07	\$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 cost includes the estimated amount to provide secondary containment facilities for the liquid ammonium sulfate barrels, liquid ammonium sulfate day tank, and alum drums, calculated from the investigation date 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

\$1,000

TOTAL

\$5

Screening Date 23-Jul-2009	Docket No. 2009-0639-MLM-E	PCW															
Respondent City of Mart		<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37555		<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No. RN101386544																	
Media [Statute] Public Water Supply																	
Enf. Coordinator Andrea Linson-Mgbeoduru																	
Violation Number 2																	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.43(c)(6) and 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.iv																
Violation Description	Failed to maintain all storage facilities in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a large leak in the bolted steel ground storage tank at the surface water treatment plant.																
	Base Penalty	\$1,000															
>> Environmental, Property and Human Health Matrix																	
OR	Release	Harm															
		Major Moderate Minor															
	Actual	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>															
	Potential	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px; text-align: center;">x</td><td style="width: 30px; height: 15px;"></td></tr></table>		x		Percent 25%											
	x																
>> Programmatic Matrix																	
	Falsification	Major Moderate Minor															
	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>				<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>				Percent 0%								
Matrix Notes	Failure to maintain the ground storage tank in a watertight condition could result in customers being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.																
	Adjustment	\$750															
			\$250														
Violation Events																	
	Number of Violation Events	5	Number of violation days 385														
<small>mark only one with an x</small>	Frequency	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;">daily</td><td style="width: 30px; height: 15px;"></td></tr><tr><td style="width: 30px; height: 15px;">weekly</td><td style="width: 30px; height: 15px;"></td></tr><tr><td style="width: 30px; height: 15px;">monthly</td><td style="width: 30px; height: 15px;"></td></tr><tr><td style="width: 30px; height: 15px;">quarterly</td><td style="width: 30px; height: 15px; text-align: center;">x</td></tr><tr><td style="width: 30px; height: 15px;">semiannual</td><td style="width: 30px; height: 15px;"></td></tr><tr><td style="width: 30px; height: 15px;">annual</td><td style="width: 30px; height: 15px;"></td></tr><tr><td style="width: 30px; height: 15px;">single event</td><td style="width: 30px; height: 15px;"></td></tr></table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
			\$1,250														
	Five quarterly events are recommended calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E, June 5, 2008, to the date of compliance, June 22, 2009.																
Good Faith Efforts to Comply			\$312														
	25.0% Reduction																
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>																
	Extraordinary	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>															
	Ordinary	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px; text-align: center;">x</td><td style="width: 30px; height: 15px;"></td></tr></table>	x														
x																	
	N/A	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px; text-align: center;">(mark with x)</td></tr></table>		(mark with x)													
	(mark with x)																
Notes	The Respondent achieved compliance June 22, 2009.																
	Violation Subtotal		\$938														
Economic Benefit (EB) for this violation			Statutory Limit Test														
	Estimated EB Amount	\$37	Violation Final Penalty Total \$1,951														
			This violation Final Assessed Penalty (adjusted for limits) \$1,951														

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No. 37555
 Reg. Ent. Reference No. RN101388544
 Media: Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$500	5-Jun-2008	22-Jun-2009	1.06	\$2	\$35	\$37
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 repair the leak on the ground storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E 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

\$500

TOTAL

\$37

Screening Date 23-Jul-2009	Docket No. 2009-0639-MLM-E	PCW																					
Respondent City of Mart		<small>Policy Revision 2 (September 2002)</small>																					
Case ID No. 37555		<small>PCW Revision October 30, 2008</small>																					
Reg. Ent. Reference No. RN101388544																							
Media [Statute] Public Water Supply																							
Enf. Coordinator Andrea Linson-Mgbeoduru																							
Violation Number 3																							
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(1)(D)(i) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.iii																						
Violation Description	Failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators. Specifically, at the time of the investigation, it was documented that the surface water treatment plant did not have a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators.																						
	Base Penalty	\$1,000																					
>> Environmental, Property and Human Health Matrix																							
OR	Release	Harm																					
		Major Moderate Minor																					
	Actual	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td style="text-align: center;">x</td><td></td></tr></table>					x		Percent <input type="text" value="25%"/>														
	x																						
	Potential	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td></td><td></td></tr></table>																					
>> Programmatic Matrix																							
	Falsification	Major Moderate Minor																					
	<table border="1" style="width:100%;"><tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td></td><td></td><td></td></tr></table>							Percent <input type="text" value="0%"/>															
Matrix Notes	The influent and effluent pressures cannot be accurately measured during filter operation without operational rate-of-flow indicators and not having them may allow a significant amount of pollutants which would not exceed levels that are protective of human health to pass through the filters.																						
	Adjustment	\$750																					
		\$250																					
Violation Events																							
	Number of Violation Events <input type="text" value="5"/>	<input type="text" value="413"/> Number of violation days																					
<small>mark only one with an x</small>	<table border="1" style="width:100%;"><tr><td style="width:33%;">daily</td><td style="width:33%;"></td><td style="width:33%;"></td></tr><tr><td>weekly</td><td></td><td></td></tr><tr><td>monthly</td><td></td><td></td></tr><tr><td>quarterly</td><td style="text-align: center;">x</td><td></td></tr><tr><td>semiannual</td><td></td><td></td></tr><tr><td>annual</td><td></td><td></td></tr><tr><td>single event</td><td></td><td></td></tr></table>	daily			weekly			monthly			quarterly	x		semiannual			annual			single event			Violation Base Penalty <input type="text" value="\$1,250"/>
daily																							
weekly																							
monthly																							
quarterly	x																						
semiannual																							
annual																							
single event																							
	Five quarterly events are recommended calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E, June 5, 2008, to the date of screening, July 23, 2009.																						
Good Faith Efforts to Comply	0.0% Reduction	\$0																					
	<table border="1" style="width:100%;"><tr><td style="width:50%;"></td><td style="width:50%;"></td></tr><tr><td>Extraordinary</td><td></td></tr><tr><td>Ordinary</td><td></td></tr><tr><td>N/A</td><td style="text-align: center;">x (mark with x)</td></tr></table>			Extraordinary		Ordinary		N/A	x (mark with x)														
Extraordinary																							
Ordinary																							
N/A	x (mark with x)																						
Notes	The Respondent does not meet the good faith criteria for this violation.																						
	Violation Subtotal	\$1,250																					
Economic Benefit (EB) for this violation																							
	Estimated EB Amount <input type="text" value="\$209"/>	Violation Final Penalty Total <input type="text" value="\$2,263"/>																					
	Statutory Limit Test																						
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,263"/>																						

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No: 37555
 Reg. Ent. Reference No: RN101388544
 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 comparison							

Delayed Costs

Equipment	\$1,500	5-Jun-2008	1-Jun-2010	1.99	\$10	\$199	\$209
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 equip the filters with rate-of-flow indicators, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$209

Screening Date: 23-Jul-2009	Docket No.: 2009-0639-MLM-E																			
Respondent: City of Mart	PCW <small>Policy Revision 2 (September 2002)</small>																			
Case ID No.: 37555	<small>PCW Revision October 30, 2008</small>																			
Reg. Ent. Reference No.: RN101388544																				
Media [Statute]: Public Water Supply																				
Enf. Coordinator: Andrea Linson-Mgbeoduru																				
Violation Number: 4																				
Rule Cite(s):	30 Tex. Admin. Code § 290.46(e)(6)(B), Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.b.iii																			
Violation Description:	Failed to employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license and failed to ensure the current operator has completed the Surface Water Unit I and II courses. Specifically, at the time of the investigation, it was documented that the Facility only has one licensed surface water operator and the current operator has failed to complete the Surface Water Unit I and II courses.																			
Base Penalty:	\$1,000																			
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</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;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="25%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent <input type="text" value="25%"/>	Potential		X	
	Harm																			
Release	Major	Moderate	Minor																	
Actual				Percent <input type="text" value="25%"/>																
Potential		X																		
>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <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;">Falsification</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Falsification				Percent <input type="text" value="0%"/>									
	Major	Moderate	Minor																	
Falsification				Percent <input type="text" value="0%"/>																
Matrix Notes:	Without an additional licensed water works operator managing the Facility, improper management of the Facility could result in customers of the Facility being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.																			
Adjustment:	\$750																			
\$250																				
Violation Events																				
Number of Violation Events:	<input type="text" value="5"/> <input type="text" value="413"/> Number of violation days																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">daily</td> <td></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">X</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> </tr> <tr> <td style="text-align: center;">single event</td> <td></td> </tr> </table>	daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty: <input type="text" value="\$1,250"/>					
daily																				
weekly																				
monthly																				
quarterly	X																			
semiannual																				
annual																				
single event																				
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Five quarterly events are recommended calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E, June 5, 2008, to the date of screening, July 23, 2009. </div>																				
Good Faith Efforts to Comply	0.0% Reduction <input type="text" value="50"/>																			
	<table border="1" style="width:100%; border-collapse: collapse;"> <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></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></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>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary			N/A	X	(mark with x)							
	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:	\$1,250																			
Economic Benefit (EB) for this violation																				
Estimated EB Amount:	<input type="text" value="\$50,065"/> Statutory Limit Test																			
Violation Final Penalty Total:	<input type="text" value="\$2,263"/>																			
This violation Final Assessed Penalty (adjusted for limits): <input type="text" value="\$2,263"/>																				

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No.: 37565
 Reg. Ent. Reference No.: RN101388544
 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
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Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel	\$41,600	5-Jun-2008	23-Jul-2009	1.13	\$2,354	\$47,071	\$49,424
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]	\$581	5-Jun-2008	23-Jul-2009	2.05	\$60	\$581	\$641
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated cost to hire an additional operator plus the cost for the current operator to take the Unit I and II courses, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456 PWS-E to the date of screening.

Approx. Cost of Compliance

	\$42,181	TOTAL	\$50,065
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Screening Date: 23-Jul-2009	Docket No.: 2009-0639-MLM-E	PCW																
Respondent: City of Mart		<small>Policy Revision 2 (September 2002)</small>																
Case ID No.: 37555		<small>PCW Revision October 30, 2008</small>																
Reg. Ent. Reference No.: RN101388544																		
Media (Statute): Public Water Supply																		
Enf. Coordinator: Andrea Linson-Mgbeoduru																		
Violation Number: 5																		
Rule Cite(s):	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(D)(i); and (f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.a																	
Violation Description:	Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: an up-to-date map of the distribution system, annual tank inspection forms for the clearwell and the below ground storage tanks, all calibration reports for all the instruments used to monitor the surface water treatment process and a calibration test report for the decant meter.																	
	Base Penalty:	\$1,000																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Harm																	
Release	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>															
>> Programmatic Matrix																		
	<table border="1" style="margin-left: auto; margin-right: 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> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>								
	Major	Moderate	Minor															
Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>															
Matrix Notes:	At least 70% of the rule requirement was met.																	
	Adjustment:	\$990																
		\$10																
Violation Events																		
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="413"/>																
mark only one with an x	<table border="1" style="margin-left: auto; margin-right: auto;"> <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;"><input checked="" type="checkbox"/></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	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$10"/>		
daily	<input type="text"/>																	
weekly	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	<input checked="" type="checkbox"/>																	
	One single event is recommended.																	
Good Faith Efforts to Comply																		
	0.0% Reduction	\$0																
	Before NOV NOV to EDPRP/Settlement Offer																	
Extraordinary	<input type="text"/>																	
Ordinary	<input type="text"/>																	
N/A	<input checked="" type="checkbox"/> (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																		
	Estimated EB Amount:	\$46																
	Violation Final Penalty Total:	\$19																
	This violation Final Assessed Penalty (adjusted for limits): \$50																	

Economic Benefit Worksheet

Respondent City of Mart
Case ID No. 37555
Reg. Ent. Reference No. RN101388544
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Data Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	5-Jun-2008	10-Apr-2010	1.85	\$46	n/a	\$46
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 estimated amount to properly maintain all Facility records, calculated from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$46

Screening Date: 23-Jul-2009 **Docket No.:** 2009-0639-MLM-E **PCW**
Respondent: City of Mart *Policy Revision 2 (September 2002)*
Case ID No.: 37555 *PCW Revision October 30, 2008*
Reg. Ent. Reference No.: RN101388544
Media (Statute): Public Water Supply
Enf. Coordinator: Andrea Linson-Mgbeduru
Violation Number: 6
Rule Cite(s): 30 Tex. Admin. Code § 290.43(e) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E Ordering Provision No. 2.d.i
Violation Description: Failed to provide an intruder-resistant fence with lockable gates around all water storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fence at the Highway 184 plant was measured to be only five feet high.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes: Failure to provide a proper intruder-resistant fence for the facilities may allow unauthorized persons to enter and damage or vandalize the system which may compromise the Facility's ability to provide a safe and adequate water supply and could expose customers to a significant amount of pollutants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

 Number of violation days
mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

Five quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E, June 5, 2008, to the date of compliance, June 30, 2009.

Good Faith Efforts to Comply

10.0% Reduction

\$125

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

Notes: The Respondent achieved compliance June 30, 2009.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$75

Violation Final Penalty Total \$2,138

This violation Final Assessed Penalty (adjusted for limits) \$2,138

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No: 37555
 Reg. Ent. Reference No: RN101388544
 Media: Public Water Supply
 Violation No: 6

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	5-Jun-2008	30-Jun-2009	1.07	\$4	\$71	\$75
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 intruder-resistant fences around the ground storage tank, calculated from effective date of TCEQ Agreed Order Docket No. 2007-1456-PWS-E, 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

\$1,000

TOTAL

\$75

Screening Date 23-Jul-2009	Docket No. 2009-0639-MLM-E	PCW			
Respondent City of Mart		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37555		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101388544					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number 7					
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e)(6)(C)				
Violation Description	Failed to provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed. Specifically, at the time of the investigation, it was documented that the automatic plant shutdown and alarms to summon an operator do not work.				
	Base Penalty	\$1,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	Percent 50%
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent 0%
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matrix Notes	Failure to provide automatic plant shutdown and alarms to summon operators could result in poor plant operation and could expose customers of the facility to a significant amount of contaminants which would exceed levels that are protective of human health.				
	Adjustment	\$500			
		\$500			
Violation Events					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Number of violation days 77
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Violation Base Penalty \$1,500
	weekly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Three monthly events are recommended calculated from the date of the investigation, May 7, 2009, to the date of screening, July 23, 2009.				
Good Faith Efforts to Comply					
	0.0%	Reduction			\$0
		Before NOV	NOV to EDRP/Settlement Offer		
	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
	N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal	\$1,500			
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$161			Violation Final Penalty Total \$2,715
		This violation Final Assessed Penalty (adjusted for limits) \$2,715			

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No.: 37555
 Reg. Ent. Reference No.: RN101388544
 Media: Public Water Supply
 Violation No.: 7

Percent Interest:	5.0
Years of Depreciation:	15

Item Description	Item Cost	Date Required	Final Date	Yrs.	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment	\$2,000	7-May-2009	1-Jul-2010	1.15	\$8	\$153	\$161
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 monitors with automatic plant shutdown and alarms to summon operators during periods when the surface water treatment plant is not staffed, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$161

Screening Date: 23-Jul-2009	Docket No.: 2009-0639-MLM-E	PCW														
Respondent: City of Mart		<small>Policy Revision 2 (September 2002)</small>														
Case ID No.: 37555		<small>PCW Revision: October 30, 2008</small>														
Reg. Ent. Reference No.: RN101388544																
Media [Statute]: Public Water Supply																
Enf. Coordinator: Andrea Linson-Mgbeoduru																
Violation Number: 8																
Rule Cite(s):	30 Tex. Admin. Code § 290.46(m)(4)															
Violation Description:	Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the vertical turbine transfer pump no. 2 was leaking excessively.															
	Base Penalty:	\$1,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release	Major Moderate Minor														
	Actual	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>														
	Potential	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px; text-align: center;">x</td><td style="width: 30px; height: 15px;"></td></tr></table>		x												
	x															
	Percent	25%														
>> Programmatic Matrix																
	Falsification	Major Moderate Minor														
		<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>														
	Percent	0%														
Matrix Notes:	Failure to maintain the Facility in a watertight condition could allow a significant amount of contaminants to enter the Facility at levels which would not exceed levels protective of human health.															
	Adjustment:	\$750														
		\$250														
Violation Events																
	Number of Violation Events: 1	Number of violation days: 77														
<small>mark only one with an x</small>	<table border="1" style="display: inline-table;"> <tr><td>daily</td><td style="width: 30px; height: 15px;"></td></tr> <tr><td>weekly</td><td style="width: 30px; height: 15px;"></td></tr> <tr><td>monthly</td><td style="width: 30px; height: 15px;"></td></tr> <tr><td>quarterly</td><td style="width: 30px; height: 15px; text-align: center;">x</td></tr> <tr><td>semiannual</td><td style="width: 30px; height: 15px;"></td></tr> <tr><td>annual</td><td style="width: 30px; height: 15px;"></td></tr> <tr><td>single event</td><td style="width: 30px; height: 15px;"></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty: \$250
daily																
weekly																
monthly																
quarterly	x															
semiannual																
annual																
single event																
	One quarterly event is recommended, calculated from the date of the investigation, May 7, 2009, to the date of compliance, July 15, 2009.															
Good Faith Efforts to Comply																
	10.0% Reduction	\$25														
	Before NOV NOV to EDPRP/Settlement Offer															
Extraordinary	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px;"></td></tr></table>															
Ordinary	<table border="1" style="display: inline-table;"><tr><td style="width: 30px; height: 15px;"></td><td style="width: 30px; height: 15px; text-align: center;">x</td></tr></table>		x													
	x															
N/A	(mark with x)															
Notes:	The Respondent achieved compliance July 15, 2009.															
	Violation Subtotal:	\$225														
Economic Benefit (EB) for this violation																
	Statutory Limit Test															
Estimated EB Amount:	\$20	Violation Final Penalty Total: \$428														
	This violation Final Assessed Penalty (adjusted for limits): \$428															

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No.: 37565
 Reg. Ent. Reference No.: RN101388544
 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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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)	\$1,500	7-May-2009	15-Jul-2009	0.19	\$1	\$19	\$20
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 estimated amount to repair the vertical turbine transfer pump #2 leak, 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

\$1,500

TOTAL

\$20

Screening Date 23-Jul-2009 Respondent City of Mart Case ID No. 37555 Reg. Ent. Reference No. RN101388544 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 9 Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(C) Violation Description Failed to provide the chlorine enclosure room with forced air ventilation that includes a fan that is located at and draws air through the top vent and discharges to the outside atmosphere through the floor level vent. Specifically, at the time of the investigation, it was documented that the fan in the chlorine room of the surface water treatment plant did not work.	Docket No. 2009-0639-MLM-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i>																						
Base Penalty \$1,000																							
>> Environmental, Property and Human Health Matrix																							
OR <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</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;">Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent 50%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 50%	Potential	x						
	Harm																						
Release	Major	Moderate	Minor																				
Actual				Percent 50%																			
Potential	x																						
>> Programmatic Matrix																							
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	Major	Moderate	Minor																				
Falsification				Percent 0%																			
Adjustment \$500																							
\$500																							
Violation Events																							
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Number of Violation Events</td> <td style="text-align: center;">3</td> <td style="text-align: right;">Number of violation days</td> <td style="text-align: center;">77</td> </tr> <tr> <td style="text-align: right;">mark only one with an x</td> <td> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table> </td> <td></td> <td style="text-align: right;">Violation Base Penalty \$1,500</td> </tr> </table> Three monthly events are recommended calculated from the date of the investigation, May 7, 2009, to the date of screening, July 23, 2009.	Number of Violation Events	3	Number of violation days	77	mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event			Violation Base Penalty \$1,500	
Number of Violation Events	3	Number of violation days	77																				
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event			Violation Base Penalty \$1,500						
daily																							
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single event																							
Good Faith Efforts to Comply																							
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">0.0% Reduction</td> <td style="text-align: right;">50</td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV NOV to EDPRP/Settlement Offer</td> <td></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x (mark with x)</td> <td></td> </tr> <tr> <td style="text-align: center;">Notes</td> <td colspan="2">The Respondent achieved compliance September 1, 2009.</td> </tr> </table>		0.0% Reduction	50		Before NOV NOV to EDPRP/Settlement Offer		Extraordinary			Ordinary			N/A	x (mark with x)		Notes	The Respondent achieved compliance September 1, 2009.						
	0.0% Reduction	50																					
	Before NOV NOV to EDPRP/Settlement Offer																						
Extraordinary																							
Ordinary																							
N/A	x (mark with x)																						
Notes	The Respondent achieved compliance September 1, 2009.																						
Violation Subtotal \$1,500																							
Economic Benefit (EB) for this violation																							
Estimated EB Amount	\$11	Statutory Limit Test																					
Violation Final Penalty Total		\$2,715																					
This violation Final Assessed Penalty (adjusted for limits)		\$2,715																					

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID: No. 37555
 Reg. Ent. Reference No. RN101388544
 Media: Public Water Supply
 Violation No. 9

Percent Interest:	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	7-May-2009	1-Sep-2009	0.32	\$1	\$11	\$11
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-estimated costs include the amount to provide the chlorine room with a fan that provides forced air ventilation, 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

\$500

TOTAL

\$11

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No.: 37555
 Reg. Ent. Reference No.: RN101388544
 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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Item Description: No commas or \$

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$300	7-May-2008	7-May-2009	1.00	\$15	\$300	\$315
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance (2)				0.00	\$0	\$0	\$0
ONE-TIME avoided costs (3)				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to annually test the backflow prevention assemblies, calculated for the 12 month period proceeding the date of the investigation.

Approx. Cost of Compliance

\$300

TOTAL

\$315

Screening Date: 23-Jul-2009	Docket No.: 2009-0639-MLM-E	PCW	
Respondent: City of Mart		<small>Policy Revision 2 (September 2002)</small>	
Case ID No.: 37555		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No.: RN101388544			
Media [Statute]: Public Water Supply			
Enf. Coordinator: Andrea Linson-Mgbeoduru			
Violation Number: 11			
Rule Cite(s):	30 Tex. Admin. Code § 290.41(e)(5)		
Violation Description:	Failed to provide an intruder-resistant fence with lockable gates or a lockable building around the raw water pump station and all appurtenances. Specifically, at the time of the investigation, it was documented that the building housing the raw water pumps had no lock on the door and the fence around the building only covers three sides and is open to the lake side.		
	Base Penalty:	\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual		
	Potential	x	
		Percent:	25%
>> Programmatic Matrix			
	Falsification	Major	Moderate
		Minor	
			Percent:
			0%
Matrix Notes:	Failure to provide a proper intruder-resistant fence or locked building for the facilities may allow unauthorized persons to enter and damage or vandalize the system which may compromise the Facility's ability to provide a safe and adequate water supply and could expose customers to a significant amount of pollutants which would not exceed levels protective of human health.		
	Adjustment:	\$750	
			\$250
Violation Events			
	Number of Violation Events:	1	Number of violation days:
		77	
<small>mark only one with an x</small>	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
		Violation Base Penalty:	\$250
One quarterly event is recommended, calculated from the date of the investigation, May 7, 2009, to the date of compliance, June 30, 2009.			
Good Faith Efforts to Comply		10.0% Reduction	\$25
		Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A		(mark with x)	
Notes:	The Respondent achieved compliance June 30, 2009.		
	Violation Subtotal:	\$225	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount:	\$8	Violation Final Penalty Total:	\$428
		This violation Final Assessed Penalty (adjusted for limits):	\$428

Economic Benefit Worksheet

Respondent City of Mart
 Case ID No. 37555
 Reg. Ent. Reference No. RN101388544
 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)	\$800	7-May-2009	30-Jun-2009	0.15	\$0	\$8	\$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 replace the lock, repair the doors on the lockable building, and install fencing on the lake side of the new water pump station 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	\$800	TOTAL	\$8
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<p>Screening Date 23-Jul-2009</p> <p>Respondent City of Mart</p> <p>Case ID No. 37555</p> <p>Reg. Ent. Reference No. RN101388544</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number 12</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)</p> <p>Violation Description Failed to ensure that all hatch openings on the ground storage tanks remain locked except during inspections and maintenance. Specifically, at the time of the investigation, it was documented that the below ground storage tank's roof hatch at the surface water treatment plant was not locked.</p>	<p style="text-align: right;">PCW</p> <p style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision October 30, 2008</p> <p>Docket No. 2009-0639-MLM-E</p> <p style="text-align: right;">Base Penalty \$1,000</p>																																				
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<p>Economic Benefit (EB) for this violation <input type="text" value="\$0"/> Statutory Limit Test</p> <p style="text-align: right;">Violation Final Penalty Total <input type="text" value="\$181"/></p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$181"/></p>																																					

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No: 37555
 Reg. Ent. Reference No. RN101388544
 Media: Public Water Supply
 Violation No: 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$10	7-May-2009	1-Jan-2010	0.65	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a lock for the roof access opening on the below ground storage tank, 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

TOTAL

<p>Screening Date 23-Jul-2009</p> <p>Respondent City of Mart</p> <p>Case ID No. 37555</p> <p>Reg. Ent. Reference No. RN101388544</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Andrea Linson-Mgbeoduru</p> <p>Violation Number 13</p> <p>Rule Cite(s) 30 Tex. Admin. Code § 290.43(e)</p> <p>Violation Description Failed to provide an intruder-resistant fence around all water storage tanks and pressure maintenance Facilities. Specifically, at the time of the investigation, it was documented that the fence at the Hawkins site was measured to be five feet six inches high, the fence at the Lumpkin site had broken strands of barbed wire and the fence around the surface water treatment plant did not have three strands of barbed wire over a large segment of the fence.</p>	<p style="text-align: right;">Docket No. 2009-0639-MLM-E</p> <p style="text-align: right;">PCW</p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision October 30, 2009</small></p> <p>Base Penalty \$1,000</p>																																																					
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OR	Actual				Percent 10%																																																	
	Potential			x																																																		
<p>>> Programmatic Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent 0%</td> </tr> </table> <p>Matrix Notes Failure to provide a proper intruder-resistant fence for the facilities may allow unauthorized persons to enter and damage or vandalize the system which may compromise the system's ability to provide a safe and adequate water supply and could expose customers to an insignificant amount of pollutants which would not exceed levels protective of human health.</p> <p style="text-align: right;">Adjustment \$900</p>				Major	Moderate	Minor							Percent 0%																																									
		Major	Moderate	Minor																																																		
					Percent 0%																																																	
<p>Violation Events</p> <p>Number of Violation Events 3 77 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="text-align: center; vertical-align: middle;"><small>mark only one with an x</small></td> <td style="text-align: center;">daily</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td rowspan="6" style="text-align: right; vertical-align: middle;">Violation Base Penalty \$300</td> </tr> <tr> <td style="text-align: center;">weekly</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">annual</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">single event</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table> <p style="text-align: center; border: 1px solid black; padding: 5px;">Three single events are recommended (one for each facility).</p>										<small>mark only one with an x</small>	daily						Violation Base Penalty \$300	weekly						monthly						quarterly						semiannual						annual							single event			x		
<small>mark only one with an x</small>	daily						Violation Base Penalty \$300																																															
	weekly																																																					
	monthly																																																					
	quarterly																																																					
	semiannual																																																					
	annual																																																					
	single event			x																																																		
<p>Good Faith Efforts to Comply 10.0% Reduction \$30</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EOPRP/Settlement Offer</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td></td> <td style="text-align: center;">(mark with x)</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>Notes The Respondent achieved compliance June 30, 2009.</p> <p style="text-align: right;">Violation Subtotal \$270</p>												Before NOV	NOV to EOPRP/Settlement Offer					Extraordinary								Ordinary			x					N/A			(mark with x)																	
		Before NOV	NOV to EOPRP/Settlement Offer																																																			
Extraordinary																																																						
Ordinary			x																																																			
N/A			(mark with x)																																																			
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <p>Estimated EB Amount \$3 Violation Final Penalty Total \$513</p> <p style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) \$513</p>																																																						

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID: No. 37555
 Reg. Ent. Reference No. RN101388544
 Media: Public Water Supply
 Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Notes: 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	\$250	7-May-2009	30-Jun-2009	0.15	\$0	\$2	\$3
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to repair the intruder-resistant fence around the Hawkins site, repair the barbed wire at the Lumpkin site and repair the barbed wire at the surface water treatment plant, 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

\$250

TOTAL

\$3

Screening Date: 23-Jul-2009	Docket No.: 2009-0639-MLM-E	PCW														
Respondent: City of Mart		Policy Revision 2 (September 2002)														
Case ID No.: 37555		PCW Revision October 30, 2009														
Reg. Ent. Reference No.: RN101388544																
Media [Statute]: Public Water Supply																
Enf. Coordinator: Andrea Linson-Mgbeoduru																
Violation Number: 14																
Rule Cite(s):	30 Tex Admin. Code § 290.42(d)(13)															
Violation Description:	Failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint. Specifically, at the time of the investigation, it was documented that the chemical feed lines are not properly color-coded or labeled.															
	Base Penalty:	\$1,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Release	Major Moderate Minor														
	Actual	<input type="text"/> <input type="text"/> <input type="text"/>														
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>														
	Percent	0%														
>> Programmatic Matrix																
	Falsification	Major Moderate Minor														
	<input type="text"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>														
	Percent	25%														
Matrix Notes:	100% of the rule requirement was not met.															
	Adjustment:	\$750														
		\$250														
Violation Events																
	Number of Violation Events: 1	Number of violation days: 77														
mark only one with an x	<table border="1" style="border-collapse: collapse;"> <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><input checked="" type="checkbox"/></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	<input checked="" type="checkbox"/>	Violation Base Penalty: \$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	<input checked="" type="checkbox"/>															
	One single event is recommended.															
Good Faith Efforts to Comply																
	0.0% Reduction	\$0														
	Before NOV NOV to EDPRP/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)														
Notes:	The Respondent does not meet the good faith criteria for this violation.															
	Violation Subtotal:	\$250														
Economic Benefit (EB) for this violation																
	Statutory Limit Test															
Estimated EB Amount:	\$21	Violation Final Penalty Total: \$453														
	This violation Final Assessed Penalty (adjusted for limits): \$453															

Economic Benefit Worksheet

Respondent: City of Mart
 Case ID No. 37555
 Reg. Ent. Reference No. RM101388544
 Media: Public Water Supply
 Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$300	7-May-2009	1-May-2010	0.98	\$1	\$20	\$21
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 estimated amount to label the chemical feed lines, 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 \$300 TOTAL \$21



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	29-Jun-2009	Screening	23-Jul-2009	EPA Due	
	PCW	24-Nov-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Mart
Reg. Ent. Ref. No.	RN101388544
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37555	No. of Violations	1
Docket No.	2009-0639-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeodur
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	78.0% Enhancement	Subtotals 2, 3 & 7	\$780
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Notes: Enhancement is due to nine written NOVs with dissimilar violations and three agreed final enforcement orders containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$250
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts: \$0
 Approx. Cost of Compliance: \$0
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,530
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,530
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,530
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,530
------------------------	---------

Screening Date 23-Jul-2009

Docket No. 2009-0639-MLM-E

PCW

Respondent City of Mart

Policy Revision 2 (September 2002)

Case ID No. 37555

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388544

Media [Statute] Water Quality

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	9	18%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	3	60%
	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) 78%

>> 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 nine written NOV's with dissimilar violations and and three agreed final enforcement orders containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 78%

Screening Date 23-Jul-2009	Docket No. 2009-0639-MLM-E	PCW	
Respondent City of Mart		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37555		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101388644			
Media [Statute] Water Quality			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	Tex. Water Code § 26.121(a)(2)		
Violation Description	Failed to prevent the unauthorized discharge of other waste into or adjacent to water in the state. Specifically, at the time of the investigation, it was documented that the ground storage tank was leaking chlorinated water into Lake Mart.		
	Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels protective of human health as a result of this violation.		
	Adjustment	<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="77"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
		Violation Base Penalty	<input type="text" value="\$1,000"/>
	One quarterly event is recommended, calculated from the date of the investigation, May 7, 2009, to the date of compliance, June 25, 2009.		
Good Faith Efforts to Comply			<input type="text" value="25.0% Reduction"/>
		<input type="text" value="\$250"/>	
	Extraordinary	<input type="text"/>	
	Ordinary	<input checked="" type="checkbox"/>	
	N/A	<input type="text"/>	
		<small>(mark with x)</small>	
Notes	The Respondent achieved compliance June 25, 2009.		
	Violation Subtotal	<input type="text" value="\$750"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total
			<input type="text" value="\$1,530"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,530"/>

Economic Benefit Worksheet

Respondent: City of Mart
Case ID No.: 37555
Reg. Ent. Reference No.: RN101388544
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs:

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

Notes for DELAYED costs

The delayed costs are included in violation 2 of the Public Water Supply Penalty Calculation Worksheet.

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

reference.

Classification: Minor

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

Description: Failure to provide a proper ground storage tank roof to prevent the possibility of contamination. Holes in the roof of the 70,000 gallon elevated storage tank on Hawkins St. with separations between the sidewall of the tank and the roof, no gasket on the roof hatch, and hatch could not be locked were on annual report.

Effective Date: 11/24/2005

ADMINORDER 2005-1219-PWS-E

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

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

Description: Violated the MCL for HAA5 in the third quarter of 2004

Classification: Major

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

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

Description: Violated the MCL for TTHM in the third quarter of 2004

Effective Date: 06/05/2008

ADMINORDER 2007-1456-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

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

Description: Failed to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(5)

Description: Failed to provide an intruder-resistant fence to protect the Facility's raw water pumps.

Classification: Minor

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

Description: Failed to provide an intruder-resistant fence to protect the Facility's elevated and ground storage tanks.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(m)

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

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

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

Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(D)

Description: Failed to store dry chemicals off the floor in a dry room that is located above the ground and protected against flooding or wetting from floors, walls, and ceilings.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)

Description: Failed to provide vacuum breakers on each hose bibb within the plant facility.

Classification: Minor

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

Description: Failed to post a legible sign that contains the name of the water supply and emergency telephone numbers where a responsible official can be contacted.

Classification: Moderate

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

Description: Failed to design a proper roof slope on the ground storage tank in accordance with American Water Works Association ("AWWA") standards so that no water ponds at any point on the roof and the roof has a slope of less than 0.75 inches per foot.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks.

Classification: Minor

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

Description: Failed to maintain the overflow on the facility's storage tanks in strict accordance with current AWWA design standards.

Classification: Major

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

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

Classification: Moderate

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

Description: Failed to provide water system records to Commission personnel at the time of the investigation.

Classification: Minor

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

Description: Failed to seal the wellhead with a gasket or sealing compound to prevent the possibility of contaminating the well water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B)

5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failed to employ an additional water works operator for surface water systems that serve more than 1,000 connections with a valid applicable license.

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	11/30/2004	(339620)
2	06/29/2005	(397653)
3	10/05/2005	(431452)
4	01/20/2006	(439215)
5	03/13/2006	(456492)
6	11/21/2006	(516896)
7	01/22/2007	(535875)
8	08/30/2007	(571600)
9	10/29/2007	(598594)
10	02/15/2008	(618027)
11	08/11/2008	(687837)
12	11/21/2008	(741130)
13	03/30/2009	(741224)
14	04/16/2009	(742029)
15	06/22/2009	(745305)

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

Date:	10/07/2005	(431452)	CN600344048
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(1)		
Description:	Failure to provide accurate and up-to-date detailed as-built plans or record drawings and specifications.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to provide up-to-date distribution map.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)		
Description:	Failure to calibrate the benchtop turbidimeter at least once every ninety days.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)		
Description:	Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every thirty days using chlorine solutions of known concentrations.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) 30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder-resistant fence in order to protect the well, ground storage tanks, elevated tank and clearwell.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to establish regulations in the city ordinances governing the 200 foot		

restriction zone at the raw water intake.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide a proper roof vent on the ground storage tank.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: Failure to properly install air release devices in the distribution system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to provide a water level indicator on all clearwells and water storage tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to prevent leaking of all water storage tanks.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)
Description: Failure to properly house gas chlorine cylinders.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to identify all chemical feed lines.
Date: 08/09/2008 (487779) CN600344048

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi).
Date: 04/24/2007 (557484) CN600344048

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.5 mg/L total chlorine as per agency regulations.
Date: 10/19/2007 (595745) CN600344048

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain minimum pressures in the distribution system.
Date: 07/31/2008 (685487) CN600344048

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide at all times a minimum pressure of 35 pounds per square inch (psi) in the distribution system.
Date: 09/12/2008 (688158) CN600344048

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide at all times a minimum pressure of 35 pounds per square inch (psi) in the distribution system.
Date: 11/21/2008 (741130) CN600344048

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.
Date: 02/26/2009 (723901) CN600344048

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide at all times a minimum pressure of 35 pounds per square inch (psi) in the distribution system.
Date: 03/30/2009 (741224) CN600344048

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2009.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

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 MART
RN101388544

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0639-MLM-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 Mart ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and 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 at 112 North Commerce Street in Mart, McLennan County, Texas (the "Facility") that has approximately 1,241 service connections and serves at least 25 people per day for at least 60 days per year.

2. The City has discharged a pollutant into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on April 6, 2009, TCEQ Public Drinking Water staff documented that the City did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.093 mg/L during the third quarter of 2008 and 0.125 mg/L during the first quarter of 2009.
4. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide adequate containment facilities for all liquid chemical storage tanks. Specifically, at the time of the investigation, it was documented that the liquid ammonium sulfate barrels, liquid ammonium sulfate day tank, and alum drums did not have secondary containment.
5. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not maintain all storage facilities in a watertight condition. Specifically, at the time of the investigation, it was documented that there was a large leak in the bolted steel ground storage tank at the surface water treatment plant.
6. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators. Specifically, at the time of the investigation, it was documented that the surface water treatment plant did not have a manually adjustable rate-of-flow controller with rate of flow indication or flow control valves with indicators.
7. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license and failed to ensure the current operator has completed the Surface Water Unit I and II courses. Specifically, at the time of the investigation, it was documented that the Facility only has one licensed surface water operator and the current operator had failed to complete the Surface Water Unit I and II courses.
8. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide Facility records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the following records were not available for review: an up-to-date map of the distribution system, annual tank inspection forms for the clearwell and the below ground storage tanks, all calibration reports for all the instruments used to monitor the surface water treatment process and a calibration test report for the decant meter.
9. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide an intruder-resistant fence around all water storage tanks and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fence at the Highway 164 plant was measured to be only five feet high.
10. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide the Facility with continuous turbidity and disinfectant residual monitors with

automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed. Specifically, at the time of the investigation, it was documented that the automatic plant shutdown and alarms to summon an operator do not work.

11. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation, it was documented that the vertical turbine transfer pump no. 2 was leaking excessively.
12. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide the chlorine enclosure room with forced air ventilation that includes a fan that is located at and draws air through the top vent and discharges to the outside atmosphere through the floor level vent. Specifically, at the time of the investigation, it was documented that the fan in the chlorine room of the surface water treatment plant did not work.
13. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not ensure backflow prevention assemblies, which are installed to provide protection against health hazards, are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester. Specifically, at the time of the investigation, it was documented that the backflow prevention assemblies installed at the wastewater treatment plant, Rucker Clinic, and Kwik Kar Wash had not been tested within the past 12 months.
14. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide an intruder-resistant fence with lockable gates or a lockable building around the raw water pump station and all appurtenances. Specifically, at the time of the investigation, it was documented that the building housing the raw water pumps had no lock on the door, the fence around the building only covers three sides and is open to the lake side and the fence around the surface water treatment plant did not have three strands of barbed wire over a large segment of the fence.
15. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not ensure that all hatch openings on the ground storage tanks remain locked except during inspections and maintenance activities. Specifically, at the time of the investigation, it was documented that the below ground storage tank's roof hatch at the surface water treatment plant was not locked.
16. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not provide an intruder-resistant fence around all water storage tanks and pressure maintenance Facilities. Specifically, at the time of the investigation, it was documented that the fence at the Hawkins site was measured to be five feet six inches high and the fence at the Lumpkin site had broken strands of barbed wire.

17. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint. Specifically, at the time of the investigation, it was documented that the chemical feed lines are not properly color coded or labeled.
18. During an investigation conducted on May 7, 2009, TCEQ Regional staff documented that the City did not prevent the unauthorized discharge of other waste into or adjacent to water in the state. Specifically, at the time of the investigation, it was documented that the ground storage tank was leaking chlorinated water into Lake Mart.
19. The City received notice of the violations on April 14, 2009 and June 25, 2009.
20. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. As of June 1, 2009, provided adequate containment facilities for the ammonium sulfate barrels, ammonium sulfate day tanks and alum barrels;
 - b. As of June 25, 2009, replaced the leaking bolted steel ground storage tank which stopped the discharge;
 - c. As of June 30, 2009:
 - i. Extended the fence to six feet in height at the Hawkins site and Highway 164 plant and repaired the broken barbed wire at the Lumpkin site; and
 - ii. Installed a lockable door on the building housing the raw water pumps, fencing on the lake side of the raw water pump station, and three strands of barbed wire on the fence surrounding the surface water treatment plant.
 - d. As of July 15, 2009, repaired the leak in the vertical turbine on transfer pump no. 2; and
 - e. As of September 1, 2009, repaired the motor on the fan of the forced air ventilation system in the chlorine room.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. As evidenced by Findings of Fact No. 4, the City failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.b.ii.
4. As evidenced by Findings of Fact No. 5, the City failed to maintain all water storage tanks thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE §§ 290.43(c)(6) and 290.46(m)(4) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No.2.d.iv.
5. As evidenced by Findings of Fact No. 6, the City failed to equip each filter with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(D)(i) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.iii.
6. As evidenced by Findings of Fact No. 7, the City failed to employ an additional water works operator for a surface water system that serves more than 1,000 connections with a valid applicable license and failed to ensure the current operator has completed the Surface Water Unit I and II courses, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(B), TEX. HEALTH & SAFETY CODE § 341.033(a) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.b.iii.
7. As evidenced by Findings of Fact No. 8, the City failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(B)(v) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.a.
8. As evidenced by Findings of Fact No. 9, the City failed to provide an intruder-resistant fence around all water storage tanks and pressure maintenance Facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e) and TCEQ Agreed Order Docket No. 2007-1456-PWS-E, Ordering Provision No. 2.d.i.
9. As evidenced by Findings of Fact No. 10, the City failed to provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C).
10. As evidenced by Findings of Fact No. 11, the City failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
11. As evidenced by Findings of Fact No. 12, the City failed to provide the chlorine enclosure room with forced air ventilation that includes a fan that is located at and draws air through the top vent and discharges to the outside atmosphere through the floor level vent, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C).

12. As evidenced by Findings of Fact No. 13, the City failed to ensure backflow prevention assemblies which are installed to provide protection against health hazards are tested and certified to be operating within specifications at least annually by a recognized backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
13. As evidenced by Findings of Fact No. 14, the City failed to provide an intruder-resistant fence with lockable gates or lockable building around the raw water pump station and all appurtenances, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(5).
14. As evidenced by Findings of Fact No. 15, the City failed to ensure that all hatch openings on the ground storage tanks remain locked except during inspection and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
15. As evidenced by Findings of Fact No. 16, the City failed to provide an intruder-resistant fence around all water storage tanks and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
16. As evidenced by Findings of Fact No. 17, the City failed to identify the influent, effluent, waste backwash, and chemical feed lines every five feet either by the use of a label or by various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
17. As evidenced by Findings of Fact No. 18, the City failed to prevent the unauthorized discharge of other waste into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(2).
18. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
19. An administrative penalty in the amount of Twenty-Two Thousand One Hundred Sixty-Four Dollars (\$22,164) 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 Six Hundred Thirty-Nine Dollars (\$639) of the administrative penalty. The remaining amount of Twenty-One Thousand Five Hundred Twenty-Five Dollars (\$21,525) of the administrative penalty shall be payable in Thirty-Five (35) monthly payments of Six Hundred Fifteen Dollars (\$615) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Twenty-Two Thousand One Hundred Sixty-Four Dollars (\$22,164) as set forth in Section II, Paragraph 19 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Mart, Docket No. 2009-0639-MLM-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. Within 10 days after the effective date of this Agreed Order, begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to: an up-to-date map of the distribution system, annual tank inspection forms for the clearwell and the below ground storage tanks, all calibration reports for all the instruments used to monitor the surface water treatment process and a calibration test report for the decant meter, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Employ an additional water works operator who holds a minimum of a Class "C" surface water license and have the current operator take the required Surface Water Unit I and II courses, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Equip the below ground storage tank's roof hatch at the surface water treatment plant with a lock, in accordance with 30 TEX. ADMIN. CODE § 290.43;
 - iii. Ensure that the backflow prevention assemblies at the waste water treatment plant, Rucker Clinic, and Kwik Kar Wash are tested and certified to be operating within specifications by a recognized backflow prevention assembly tester, in accordance with 30 TEX. ADMIN. CODE § 290.44; and

- iv. Identify all the chemical feed lines by utilizing labels or paint every five feet, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- c. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.i and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.
- d. Within 60 days after the effective date of this Agreed Order, equip each filter at the Facility with a manually adjustable rate-of-flow controller with a rate-of-flow indication or flow control valves with indicators, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- e. Within 75 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.i, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 90 days after the effective date of this Agreed Order, provide the Facility with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators during periods when the plant is not staffed, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- g. Within 105 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.i, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f.
- h. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.
- i. 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. 2.h. 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

A copy of the certification for Ordering Provision Nos. 2.a. through 2.g. shall be submitted to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

A copy of the certification for Ordering Provision No. 2.h. shall be submitted to:

DBP Compliance Coordinator
Water Supply Division/ PDWS, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive

Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 12/6/2010

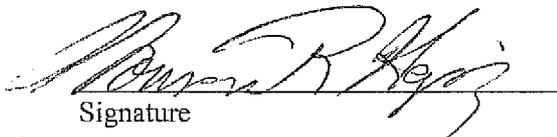
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Mart. I am authorized to agree to the attached Agreed Order on behalf of the City of Mart, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

I understand that by entering into this Agreed Order, the City of Mart 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:

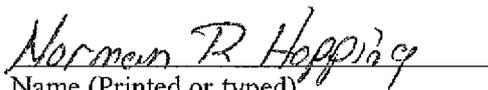
- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement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



Signature

Date 1/5/10



Name (Printed or typed)
Authorized Representative of
City of Mart

Mayor
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.

