

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2010-1067-PWS-E **TCEQ ID:** RN101417012 **CASE NO.:** 39959  
**RESPONDENT NAME:** City of Teague

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Teague, at the intersection of Magnolia Street and Sixth Avenue, Teague, Freestone County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 6, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Stephen Thompson, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2558; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> The Honorable Earnest G. Pack, Mayor, City of Teague, 105 South Fourth Avenue, Teague, Texas 75860  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>                      ___ Complaint  <input checked="" type="checkbox"/> Routine                      ___ Enforcement Follow-up                      ___ Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 9, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 21, 2010 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to provide a well blow-off line that terminates in a downward direction [30 TEX. ADMIN. CODE § 290.41(c)(3)(L)].</p> <p>2) Failed to equip all ground storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>3) Failed to equip the roof vents on all ground storage tanks with 16-mesh or finer corrosion-resistant screens to prevent entry of animals, birds, insects and heavy air contaminants [30 TEX. ADMIN. CODE § 290.43(c)(1)].</p> <p>4) Failed to prevent livestock from being within 50 feet of a water supply well [30 TEX. ADMIN. CODE § 290.41(c)(1)(D)].</p> <p>5) Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].</p> <p>6) Failed to inspect the ground storage tanks on an annual basis [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>7) Failed to obtain sanitary control easements for all public water supply wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p>	<p><b>Total Assessed:</b> \$4,092</p> <p><b>Total Deferred:</b> \$818  <input checked="" type="checkbox"/> Expedited Settlement                      ___ Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,274</p> <p><b>Compliance History Classification:</b>                      Person/CN – Average                      Site/RN – N/A</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes ___ No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on July 16, 2010, the Respondent submitted documentation that demonstrated that the following corrective measures have been taken at the Facility:</p> <p>a. Modified the well blow-off line on Well No. 3 so that it terminates in a downward direction;</p> <p>b. Livestock are being kept at least 50 feet away from Well No. 4;</p> <p>c. All ground storage tanks have been inspected within the last 12 months;</p> <p>d. The following records are being maintained at the Facility: American National Standards Institute/National Sanitation Foundation Standard 60 certification for the chlorine gas used for disinfection, a copy of the plumbing ordinance or service agreement, and a copy of the testing report for the reduced-pressure principle backflow prevention assembly installed at 235 East Loop 255; and</p> <p>e. The lower vent for the gas chlorine enclosure as the Ground Storage Plant has been screened.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, keep on file and make available for review, an up-to-date record of water works operation and maintenance activities for operator review and reference, including but not limited to the following records: Customer Service Inspection certificates completed during the previous 12 months.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts,</p>

<p>8) Failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(iv)].</p> <p>9) Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].</p> <p>10) Failed to provide screened vents for all enclosures in which gas chlorine is being stored or fed [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].</p>		<p>and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide liquid level indicators that are located at the tank site for the concrete below ground storage tank and the orange ground storage tank at the Ground Storage Plant; and</p> <p>ii. Equip the roof vent on the concrete below ground storage tank with a 16-mesh or finer corrosion-resistant screen.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Secure sanitary control easements for Well Nos. 1, 2, 3 and 4, or obtain an exception to the easement requirement; and</p> <p>ii. Install reduced-pressure principle backflow prevention assemblies at 406 Monroe Street, 109 North Fourth Street and 1222 North First Street.</p> <p>f. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.</p>
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Additional ID No(s): PWS ID 0810002





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	28-Jun-2010	Screening	29-Jun-2010	EPA Due	
	PCW	13-Aug-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Teague		
Reg. Ent. Ref. No.	RN101417012		
Facility/Site Region	9-Waco	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	39959	No. of Violations	10
Docket No.	2010-1067-PWS-E	Order Type	1860
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Stephen Thompson
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,960</b>
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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.

<b>Compliance History</b>	5.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$198</b>
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Notes: Enhancement is due to one Notice of Violation that contains violations that are the same as those contained in the current enforcement action.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$105</b>
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<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$329	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,611	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$4,053</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

<b>Final Penalty Amount</b>	<b>\$4,053</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$4,092</b>
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	<b>-\$818</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$3,274</b>
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Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> 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 Notice of Violation that contains violations that are the same as those contained in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(L)

Violation Description Failed to provide a well blow-off line that terminates in a downward direction. Specifically, at the time of the investigation, it was documented that the blow-off line on Well No. 3 did not terminate in a downward direction.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide a blow-off line discharge that terminates in a downward direction may allow for the introduction of an insignificant amount of contaminants to the drinking water supply which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 20 Number of violation days

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes The Respondent returned to compliance on July 16, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent** City of Teague  
**Case ID No.** 39959  
**Reg. Ent. Reference No.** RN101417012  
**Media** Public Water Supply  
**Violation No.** 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$31	9-Jun-2010	16-Jul-2010	0.10	\$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 necessary to install a well blow-off discharge line that terminates in a downward direction, 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 \$31 TOTAL \$0

Screening Date: 29-Jun-2010

Docket No.: 2010-1067-PWS-E

PCW

Respondent: City of Teague

Policy Revision 2 (September 2002)

Case ID No.: 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101417012

Media [Statute]: Public Water Supply

Enf. Coordinator: Stephen Thompson

Violation Number: 2

Rule Cite(s):

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description:

Failed to equip all ground storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the concrete below ground storage tank and the orange ground storage tank at the Ground Storage Plant did not have water level indicators.

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 liquid level indicator could prevent the operator from making accurate water usage calculations and could allow for a significant amount of contaminants to be introduced to the drinking water supply which would not exceed levels protective of human health.

Adjustment: \$750

\$250

Violation Events

Number of Violation Events: 2

Number of violation days: 20

daily	
weekly	
monthly	
quarterly	X
semianual	
annual	
single event	

mark only one with an x

Violation Base Penalty: \$500

Two quarterly events (one for each tank) are recommended, calculated from the date of the investigation, June 9, 2010, to the date of screening, June 29, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal: \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$20

Violation Final Penalty Total: \$525

This violation Final Assessed Penalty (adjusted for limits): \$525

# Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Reg. Ent. Reference No.:** RN101417012  
**Media:** Public Water Supply  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$400	9-Jun-2010	1-Mar-2011	0.73	\$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 costs include the estimated amount necessary to provide the ground storage tanks with liquid level indicators, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$20

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(1)

Violation Description

Failed to equip the roof vents on all ground storage tanks with 16-mesh or finer corrosion-resistant screens to prevent entry of animals, birds, insects and heavy air contaminants. Specifically, at the time of the investigation, it was documented that roof vent on the concrete below ground storage tank was not screened.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Failure to provide the roof vent of the ground storage tank with a screen may allow for the introduction of a significant amount of contaminants to the drinking water supply which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

20 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, June 9, 2010, to the date of screening, June 29, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

## Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Reg. Ent. Reference No.:** RN101417012  
**Media:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No. continues on \$</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)	\$31	9-Jun-2010	1-Mar-2011	0.73	\$0	\$2	\$2
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 properly screen the roof vent 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)

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

\$31

TOTAL

\$2

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(D)

Violation Description Failed to prevent livestock from being within 50 feet of a water supply well. Specifically, at the time of the investigation, it was documented that there was livestock on the property adjacent to the Well No. 4 plant and the distance between the wellhead to the fence was measured to be 48 feet.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			x	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failure to prevent livestock from being within 50 feet of the well could allow insignificant amounts of contaminants to be introduced into the drinking water supply which would not exceed levels protective of human health.

Adjustment \$800

\$100

Violation Events

Number of Violation Events 1 Number of violation days 20

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

	10.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A	(mark with x)	
Notes	The Respondent returned to compliance on July 16, 2010.	

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Reg. Ent. Reference No.:** RN101417012  
**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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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	\$500	9-Jun-2010	16-Jul-2010	0.10	\$0	\$3	\$4
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 extend the fence line to ensure that livestock are kept at least 50 feet away from the well, 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

\$4

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 280.110(c)(4)(B)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, at the time of the investigation, the daily disinfectant residual logs were reviewed and it was documented that the disinfectant residual is monitored at either the high service pumps at the Magnolia Plant or at the Ground Storage Plant rather than at representative locations within the distribution system.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations in the distribution may lead to inadequate treatment of the water and could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

Number of violation days 20

mark only one with an x

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, June 9, 2010, to the date of screening, June 28, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

# Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Req. Ent. Reference No.:** RN101417012  
**Media:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$780	9-Jun-2010	29-Jun-2010	0.05	\$2	\$43	\$45
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 costs include the amount necessary to collect daily disinfectant residual samples at representative locations within the distribution system, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$780

TOTAL

\$45

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to inspect the ground storage tanks on an annual basis. Specifically, at the time of the investigation, it was documented that the concrete below ground storage tank and two ground storage tanks were last inspected on August 4, 2008.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to inspect the ground storage tanks on an annual basis could lead to the non-detection of tank defects and could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$750

Three annual-events (one for each tank) are recommended, calculated for the 12 months preceding the date of the investigation.

Good Faith Efforts to Comply

10.0% Reduction

\$75

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

Notes

The Respondent returned to compliance on July 16, 2010.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$713

This violation Final Assessed Penalty (adjusted for limits) \$713

## Economic Benefit Worksheet

**Respondent:** City of Teague

**Case ID No.:** 39959

**Reg. Ent. Reference No.:** RN101417012

**Media:** Public Water Supply

**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	-\$123	9-Jun-2009	9-Jun-2010	1.92	\$12	\$123	\$135
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to conduct inspections of the three storage tanks, calculated for the one year prior to the investigation date.

Approx. Cost of Compliance

\$123

**TOTAL**

\$135

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to obtain sanitary control easements for all public water supply wells. Specifically, at the time of the investigation, it was documented that the Respondent has not obtained sanitary control easements for Well Nos. 1, 2, 3 and 4.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure sanitary control easements may expose the source water to an insignificant amount of pollution hazards developed within the easement boundaries which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

Number of violation days 20

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$400

Four single events (one for each well) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$420

This violation Final Assessed Penalty (adjusted for limits) \$420

## Economic Benefit Worksheet

**Respondent:** City of Teague

**Case ID No.:** 39959

**Req. Ent. Reference No.:** RN101417012

**Media:** Public Water Supply

**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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)	\$80	9-Jun-2010	1-Apr-2011	0.81	\$0	\$4	\$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 necessary to secure sanitary control easements covering all land within 150 feet of the four wells, 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

\$80

**TOTAL**

\$5

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(E)(iv)

Violation Description

Failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference. Specifically, at the time of the investigation, it was documented that the following records were not available for review: American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for the chlorine gas used for disinfection, a copy of the plumbing ordinance or service agreements, Customer Service Inspection certificates completed during the previous 12 months and a copy of the testing report for the reduced-pressure principle backflow prevention assembly installed at 235 East Loop 255.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Percent 1%

Matrix Notes

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

Adjustment \$990

\$10

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$11

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

## Economic Benefit Worksheet

**Respondent:** City of Teague

**Case ID No.:** 39959

**Reg. Ent. Reference No.:** RN101417012

**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**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$135	9-Jun-2010	1-Feb-2011	0.65	\$0	\$6	\$6
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 maintain a complete record of water works operations and maintenance, 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

\$135

TOTAL

\$6

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 9

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(1)(A)

Violation Description

Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists. Specifically, at the time of the investigation, it was documented that the following locations did not have the required reduced-pressure principle backflow prevention assembly: 406 Monroe Street, 109 North Fourth Street and 1222 North First Street.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to install a backflow prevention assembly at a site where a potential contamination hazard exists could result in the back siphonage of pollutants into the distribution system and expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$500

\$600

Violation Events

Number of Violation Events 3

20 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,500

Three monthly events (one for each location) is recommended, calculated from the date of the investigation, June 9, 2010, to the date of screening, June 29, 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDCRP/ 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$85

Violation Final Penalty Total \$1,575

This violation Final Assessed Penalty (adjusted for limits) \$1,575

## Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Reg. Ent. Reference No.:** RN101417012  
**Media:** Public Water Supply  
**Violation No.:** 9

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**    **Date Required**    **Final Date**    **Yrs**    **Interest Saved**    **One-time Costs**    **EB Amount**  
**Item Description:** No commas, of \$

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
Equipment	\$1,500	9-Jun-2010	1-Apr-2011	0.81	\$4	\$81	\$85
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 necessary to install backflow prevention assemblies at the three locations, 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	One-time 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**

\$85

Screening Date 29-Jun-2010

Docket No. 2010-1067-PWS-E

PCW

Respondent City of Teague

Policy Revision 2 (September 2002)

Case ID No. 39959

PCW Revision October 30, 2005

Reg. Ent. Reference No. RN101417012

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(4)(C)

Violation Description

Failed to provide screened vents for all enclosures in which gas chlorine is being stored or fed. Specifically, at the time of the investigation, it was documented that the lower vent for the gas chlorine enclosure at the Ground Storage Plant was not screened.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to screen the vents on the gas chlorine enclosure may allow rodents or other small animals to enter the enclosure and possibly damage or disrupt the operation of the disinfection equipment which may lead to inadequate disinfection of the water supply and could expose consumers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

20 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$10

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

Notes

The Respondent returned to compliance on July 16, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

## Economic Benefit Worksheet

**Respondent:** City of Teague  
**Case ID No.:** 39959  
**Reg. Ent. Reference No.:** RN101417012  
**Media:** Public Water Supply  
**Violation No.:** 10

Percent Interest	Years of Depreciation:
5.0	15

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

**Delayed Costs:**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$31	9-Jun-2010	16-Jul-2010	0.10	\$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 necessary to install a screen on the lower vent of the gas chlorine enclosure, 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

\$31

**TOTAL**

\$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600513121 City of Teague Classification: AVERAGE Rating: 2.71  
 Regulated Entity: RN101417012 CITY OF TEAGUE Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0810002  
 WATER LICENSING LICENSE 0810002  
 Location: THE INTX OF MAGNOLIA ST AND 6TH AVE, TEAGUE,  
 FREESTONE COUNTY, TX  
 TCEQ Region: REGION 09 - WACO  
 Date Compliance History Prepared: June 29, 2010  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: June 29, 2005 to June 29, 2010  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Stephen Thompson Phone: (512) 239-2558

## Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
 N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
 N/A
- C. Chronic excessive emissions events.  
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 12/28/2006 | (531633) |
| 2 | 02/15/2007 | (538816) |
| 3 | 04/27/2007 | (557319) |
| 4 | 07/06/2007 | (565636) |
| 5 | 06/21/2010 | (802132) |
- E. Written notices of violations (NOV). (CCEDS inv. Track. No.)

Date:	12/21/2006 (531633)	CN600513121	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)		
Description:	Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25) 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 to protect the well and water storage tanks.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		

Description: Failure to provide a plant operations manual.

Self Report? NO Classification: Minor

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

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)

Description: Failure to provide an accurate metering device at each service connection.

Self Report? NO Classification: Moderate

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

Description: Failure to provide a proper concrete sealing block for all wells.

Self Report? NO Classification: Minor

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

Description: Failure to provide a properly sloped roof on the below ground storage tank.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF TEAGUE  
RN101417012**

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

## **AGREED ORDER DOCKET NO. 2010-1067-PWS-E**

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

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

1. The Respondent owns and operates a public water supply at the intersection of Magnolia Street and Sixth Avenue in Teague, Freestone County, Texas (the "Facility") that has approximately 1,805 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 26, 2010.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Four Thousand Ninety-Two Dollars (\$4,092) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Two Hundred Seventy-Four Dollars (\$3,274) of the administrative penalty and Eight Hundred Eighteen Dollars (\$818) is deferred contingent upon the Respondent's timely and satisfactory compliance

with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that on July 16, 2010, the Respondent submitted documentation that demonstrated that the following corrective measures have been taken at the Facility:
  - a. Modified that well blow-off line on Well No. 3 so that it terminates in a downward direction;
  - b. Livestock are being kept at least 50 feet away from Well No. 4;
  - c. All ground storage tanks have been inspected within the last 12 months;
  - d. The following records are being maintained at the Facility: American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for the chlorine gas used for disinfection, a copy of the plumbing ordinance or service agreement, and a copy of the testing report for the reduced-pressure principle backflow prevention assembly installed at 235 East Loop 255; and
  - e. The lower vent for the gas chlorine enclosure as the Ground Storage Plant has been screened.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to provide a well blow-off line that terminates in a downward direction, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(L), as documented during an investigation conducted on June 9, 2010.
2. Failed to equip all ground storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on June 9, 2010.
3. Failed to equip the roof vents on all ground storage tanks with 16-mesh or finer corrosion-resistant screens to prevent entry of animals, birds, insects and heavy air contaminants, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(1), as documented during an investigation conducted on June 9, 2010.
4. Failed to prevent livestock from being within 50 feet of a water supply well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(D), as documented during an investigation conducted on June 9, 2010.
5. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B), as documented during an investigation conducted on June 9, 2010.
6. Failed to inspect the ground storage tanks on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on June 9, 2010.
7. Failed to obtain sanitary control easements for all public water supply wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on June 9, 2010.
8. Failed to keep on file and make available for review an up-to-date record of water works operation and maintenance activities for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(iv), as documented during an investigation conducted on June 9, 2010.
9. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazards exists, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on June 9, 2010.
10. Failed to provide screened vents for all enclosures in which gas chlorine is being stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C), as documented during an investigation conducted on June 9, 2010.

### III. DENIALS

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

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Teague, Docket No. 2010-1067-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, keep on file and make available for review, an up-to-date record of water works operation and maintenance activities for operator review and reference, including but not limited to the following records: Customer Service Inspection certificates completed during the previous 12 months, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Agreed Order:
    - i. Provide liquid level indicators that are located at the tank site for the concrete below ground storage tank and the orange ground storage tank at the Ground Storage Plant, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - ii. Equip the roof vent on the concrete below ground storage tank with a 16-mesh or finer corrosion-resistant screen, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.f, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
  - e. Within 90 days after the effective date of this Agreed Order:

- i. Secure sanitary control easements for Well Nos. 1, 2, 3 and 4, in accordance with 30 TEX. ADMIN. CODE § 290.41; or obtain an exception to the easement requirement, in accordance with 30 TEX. ADMIN. CODE § 290.39(l); and
  - ii. Install reduced-pressure principle backflow prevention assemblies at 406 Monroe Street, 109 North Fourth Street and 1222 North First Street, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- f. Within 105 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.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

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

effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 12/6/2010

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 10/5/10

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Teague

\_\_\_\_\_  
Title Mayor

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

