

**CAPTION: Docket No. 2009-1496-PWS-E. Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the City of Carl's Corner in Hill County; RN101391852; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Stephen Thompson, Laurie Eaves)**



Page 1 of 3

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2009-1496-PWS-E **TCEQ ID:** RN101391852 **CASE NO.:** 38363  
**RESPONDENT NAME:** City of Carl's Corner

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Located at 2100 Linda Road East, Carl's Corner, Hill 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> Three complaints were received on June 12, 2009, June 20, 2009, and June 22, 2009 alleging water outages and low pressure. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 18, 2011. 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 Carl Cornelius, Mayor, City of Carl's Corner, P.O. Box 817, Hillsboro, Texas 76645  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> June 12, 2009, June 20, 2009, and June 22, 2009</p> <p><b>Date of Investigation Relating to this Case:</b> June 17, 2009 and June 23, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 1, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions [30 TEX. ADMIN. CODE § 290.46(r)].</p> <p>2) Failed to provide a well production capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.g.i.].</p> <p>3) Failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>4) Failed to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].</p> <p>5) Failed to initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>6) Failed to maintain the exterior coating on the ground storage tanks in</p>	<p><b>Total Assessed:</b> \$9,050</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$9,050</p> <p><b>Compliance History Classifications:</b>                      Person/CN - N/A                      Site/RN - N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>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><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that as of July 1, 2009, the Respondent has begun providing a minimum pressure of 35 psi throughout the distribution system under normal operating conditions as a result of repairing a water main break.</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:</p> <p>i. Provide a lock on the hatch of the ground storage tank nearest to the pump house; and</p> <p>ii. Provide the overflow pipe on the ground storage tank nearest to the pump house with a gravity-hinged and weighted cover that fits tightly with no gap greater than 1/16 inch.</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, 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. Ensure a good general appearance of the Facility by providing maintenance and housekeeping practices, including but not limited to, removing all excessive vegetation from inside the Facility and any vegetation in contact with the fence surrounding it;</p> <p>ii. Refurbish the exterior coating of the ground storage tanks to protect the tanks from corrosion; and</p> <p>iii. Provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions.</p>

<p>accordance with American Water Works Association standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>7) Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.e.ii.].</p> <p>8) Failed to provide operating records at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.c.i.].</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, maintain all water system records at the Facility so that they are available during an inspection, including but not limited to, verification that the interior coating on the new pressure tank meets American National Standards Institute/National Sanitation Foundation standards. Additionally, submit plans and specifications for the new pressure tank to the TCEQ for review and approval and once approval has been granted, maintain a copy at the Facility.</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> <p>g. Within 180 days after the effective date of this Agreed Order, provide a total well production capacity of 0.6 gpm per connection.</p> <p>h. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision g.</p>
--	--	--

Additional ID No(s): PWS 1090070





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	8-Sep-2009	<b>Screening</b>	14-Sep-2009	<b>EPA Due</b>	31-May-2010
	<b>PCW</b>	5-Oct-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Carl's Corner
<b>Reg. Ent. Ref. No.</b>	RN101391852
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	38363	<b>No. of Violations</b>	8
<b>Docket No.</b>	2009-1496-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$7,510**

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

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

**Compliance History** 25.0% Enhancement *Subtotals 2, 3, & 7* **\$1,877**

**Notes**  
Enhancement is due to one Notice of Violation that contains violations that are similar to those contained in the current enforcement action and one agreed final enforcement order containing a denial of liability.

**Culpability** No 0.0% Enhancement *Subtotal 4* **\$0**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5* **\$375**

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

Total EB Amounts **\$12,417**  
Approx. Cost of Compliance **\$72,335**  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$9,012**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

*Final Penalty Amount* **\$9,012**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$9,050**

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

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

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$9,050**

Screening Date 14-Sep-2009

Docket No. 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

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)	1	20%
	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 courts)	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) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one Notice of Violation that contains violations that are similar to those contained in the current enforcement action and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 14-Sep-2009

Docket No. 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)

Violation Description

Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, on June 17, 2009, a pressure recorder was placed on the flush valve near 3900 Bluebonnet Lane. The pressure recorder was retrieved on June 23, 2009, and revealed that the pressure dropped below 20 psi each day from June 18 to June 23.

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 maintain a pressure of 35 psi throughout the distribution system may expose customers of the Facility to significant amounts of contaminants which would exceed levels protective of human health

Adjustment \$750

\$250

Violation Events

Number of Violation Events 6

6 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,500

Six single events are recommended, based on the dates the violation was recorded.

Good Faith Efforts to Comply

25.0% Reduction

\$375

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

Notes

The Respondent returned to compliance on July 1, 2009, before the NOE date of September 1, 2009.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

## Economic Benefit Worksheet

**Respondent** City of Carl's Corner  
**Case ID No.** 38363  
**Reg. Ent. Reference No.** RN101391852  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,500	18-Jun-2009	1-Jul-2009	0.04	\$0	\$4	\$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 to repair the water main break that was the root cause of the low pressure occurrence. Calculated from the first date that a low pressure event was recorded 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

\$1,500

**TOTAL**

\$4

Screening Date 14-Sep-2009

Docket No. 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(B)(i) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.g.i.

Violation Description

Failed to provide a well production capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the facility serves 45 connections requiring a production capacity of 27 gpm. The facility's well produces only 10 gpm, which is a 63% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Failure to provide adequate well production capacity could result in water outages and expose consumers to significant amounts of pollutants which would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 22 Number of violation days 665

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$5,500

Twenty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2003-1372-MLM-E, November 19, 2007, to the date of screening, September 14, 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes

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

Violation Subtotal \$5,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,702

Violation Final Penalty Total \$6,875

This violation Final Assessed Penalty (adjusted for limits) \$6,875

## Economic Benefit Worksheet

**Respondent** City of Carl's Corner  
**Case ID No.** 38363  
**Reg. Ent. Reference No.** RN101391852  
**Media** Public Water Supply  
**Violation No.** 2

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
------------------	---	---------------	------------	-----	----------------	---------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$60,000	19-Nov-2007	1-Sep-2010	2.79	\$557	\$11,145	\$11,702
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 total well capacity of 0.6 gpm, calculated from the effective date of TCEQ Agreed Order Docket No. 2003-1372-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

\$60,000

TOTAL

\$11,702

Screening Date 14-Sep-2009

Docket No. 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38383

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)

Violation Description

Failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities. Specifically, at the time of the investigation, it was documented that there was no lock on the hatch on the ground storage tank nearest to the pump house.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

Matrix Notes

Failure to provide a lockable cover on the ground storage tank roof access opening could allow unauthorized access to the ground storage tank's contents and could result in customers of the Facility being exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

## Economic Benefit Worksheet

**Respondent:** City of Carl's Corner  
**Case ID No.:** 38363  
**Reg. Ent. Reference No.:** RN101391852  
**Media:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item	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)	\$10	23-Jun-2009	1-Apr-2010	0.77	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a lock for the hatch on the 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	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10

TOTAL

\$1

Screening Date 14-Sep-2009

Docket No: 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Ent. Coordinator Stephen Thompson

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(3)

Violation Description

Failed to provide the overflow on the ground storage tank with a gravity hinged and weighted cover that fits tightly with no gap over 1/16 Inch. Specifically, at the time of the investigation, it was documented that the ground storage tank nearest to the pump house did not have a flap cover.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a hinged flap for the overflow may expose the stored water to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

83 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, June 23, 2009, to the date of screening, September 14, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

## Economic Benefit Worksheet

**Respondent** City of Carl's Corner  
**Case ID No.** 38363  
**Reg. Ent. Reference No.** RN101391852  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25	23-Jun-2009	1-Apr-2010	0.77	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide the overflow pipe on the ground storage tank with a flap cover. 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

\$25

TOTAL

\$1

Screening Date 14-Sep-2009

Docket No: 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No: 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator: Stephen Thompson

Violation Number 5

Rule Cite(s)

80 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility. Specifically, at the time of the investigation, it was documented that there was excessive vegetation growing within the Facility and trees growing through the fence.

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 ensure the good working condition and general appearance of the Facility and its equipment could lead to the harboring of insects, rodents and other disease vectors which could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, June 23, 2009, to the date of screening, September 14, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

## Economic Benefit Worksheet

**Respondent** City of Carl's Corner  
**Case ID No.** 38363  
**Reg. Ent. Reference No.** RN101391852  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### 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)	\$200	23-Jun-2009	1-May-2010	0.85	\$1	\$11	\$12
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 remove all excessive vegetation and trees from inside the Facility and along the fence surrounding it. 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

\$200

TOTAL

\$12

Screening Date 14-Sep-2009

Docket No. 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No. 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)

Violation Description Failed to maintain the exterior coating on the ground storage tanks in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that both ground storage tanks had a deteriorated exterior coating in the form of rust spots.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to maintain the exterior coating of the pressure tank may compromise the integrity of the tank and could allow for the introduction of significant amounts of contaminants to the Facility which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 83

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and a column for marking with an 'x'.

Violation Base Penalty \$200

Two quarterly events (one for each tank) are recommended, calculated from the date of the investigation, June 23, 2009, to the date of screening, September 14, 2009.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, Before NOV, NOV to EDPRP/Settlement Offer.

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$598

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

## Economic Benefit Worksheet

**Respondent:** City of Carl's Corner  
**Case ID No.:** 38363  
**Reg. Ent. Reference No.:** RN101391852  
**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)	\$10,000	23-Jun-2009	1-May-2010	0.85	\$28	\$570	\$598
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 repaint the exterior of the ground storage tanks to ensure that they are free of rust. 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

\$10,000

TOTAL

\$598

Screening Date: 14-Sep-2009

Docket No: 2009-1496-PWS-E

PCW

Respondent: City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No: 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No: RN101391852

Media [Statute]: Public Water Supply

Enf. Coordinator: Stephen Thompson

Violation Number: 7

Rule Cite(s):

80 Tex. Admin. Code § 290.41(c)(3)(J) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.e.ii.

Violation Description:

Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, at the time of the investigation, it was documented that the well sealing block extends only 28.5 inches from the center of the well casing.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to provide a concrete sealing block that extends at least three feet in all directions from the well casing could expose the source water to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment: \$950

\$50

Violation Events

1

665 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal: \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$86

Violation Final Penalty Total: \$63

This violation Final Assessed Penalty (adjusted for limits): \$63

## Economic Benefit Worksheet

**Respondent:** City of Carl's Corner  
**Case ID No.:** 38363  
**Reg. Ent. Reference No.:** RN101391852  
**Media:** Public Water Supply  
**Violation No.:** 7

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
------------------	---	---------------	------------	-----	----------------	---------------	-----------

**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	19-Nov-2007	1-May-2010	2.45	\$4	\$82	\$86
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 concrete sealing block that extends three feet in all directions from the center of the well casing, calculated from the effective date of TCEQ Agreed Order Docket No. 2003-1372-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**

\$86

Screening Date 14-Sep-2009

Docket No: 2009-1496-PWS-E

PCW

Respondent City of Carl's Corner

Policy Revision 2 (September 2002)

Case ID No: 38363

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101391852

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and TCEQ Agreed Order Docket No: 2003-1372-MLM-E Ordering Provision 3(c)

Violation Description

Failed to provide operating records at the time of the investigation. Specifically, at the time of the investigation, the following records were unavailable for review: TCEQ plan approval for the new pressure tank and verification that the interior coating on the new pressure tank meets the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes

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

Adjustment \$990

\$10

Violation Events

1

665 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

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		
Ordinary		
N/A	X	(mark with x)

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$13

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

## Economic Benefit Worksheet

**Respondent** City of Carl's Corner  
**Case ID No.** 38363  
**Reg. Ent. Reference No.** RN101391852  
**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
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	19-Nov-2007	1-Jun-2010	2.53	\$13	n/a	\$13
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 obtain TCEQ approval for the pressure tank and ANSI/NSF certification of the pressure tank interior coating and maintain copies on file at the Facility. Calculated from the effective date of TCEQ Agreed Order Docket No. 2003-1372-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

\$100

TOTAL

\$13

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600658751 City of Carl's Corner Classification: Rating:  
Regulated Entity: RN101391852 CITY OF CARLS CORNER Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1090070  
WATER LICENSING LICENSE 1090070  
Location: 2100 LINDA ROAD EAST, CARLS CORNER, HILL COUNTY, TX

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: September 08, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 08, 2004 to September 08, 2009

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

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

## Site Compliance History Components

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

## Components (Multimedia) for the Site :

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

Effective Date: 11/19/2007

ADMINORDER 2003-1372-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)

30 TAC Chapter 288, SubChapter C 288.30(3)

Description: Failed to submit a copy of an adopted Drought Contingency Plan which includes all elements for municipal use by a retail public water supplier.

Classification: Minor

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

Description: Failed to post in plain view a legible ownership sign that provides the name and an emergency telephone number for the Facility.

Classification: Moderate

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

Description: Failed to use a disinfectant media for the disinfection of potable water that conforms to (ANSI/NSF) standards.

Classification: Moderate

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

Description: Failed to maintain all water storage facilities in a watertight condition. Specifically, the pressure tank was leaking at the time of the investigation.

Classification: Moderate

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

Description: Failed to properly screen the well casing vent with a 16-mesh or finer corrosion resistant screening material.

Classification: Moderate

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

Description: Failed to provide a suitable sampling tap on the well discharge to facilitate the collection of samples from the well for chemical and bacteriological analysis.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)

Description: Failed to provide two service pumps having a total capacity of 2.0 gallons per minute per connection. Specifically, the service pump capacity was 16.7% deficient.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(5)

Description: Failed to provide the regulated entity with sufficient valves and blow-offs so that necessary repairs can be made without undue interruption of service and for flushing lines when repaired.

Classification: Moderate

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

Description: Failed to keep a supply of calcium hypochlorite on hand to use as disinfectant for making repairs to the drinking water system.

Classification: Moderate

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 0.50 mg/L total chlorine as per agency regulations.

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) at flow rates of at least 1.5 gallons per minute at each service outlet or connection.

Classification: Minor

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

Description: Failure to provide a well casing eighteen inches above the ground surface.

Classification: Minor

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

Description: Failure to provide a concrete sealing block that extends at least 3 feet from the exterior well casing in all directions.

Classification: Minor

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

Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Minor

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

Description: Failure to equip the pressure tank with some sanitary means of determining the air-to-water ratio.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide a proper roof vent screen on the ground storage tank.

Classification: Moderate

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.

Classification: Minor

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

Description: Failure to provide an intruder-resistant fence in order to protect the well, pressure tank, and ground storage tank at the main plant.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)

Description: Failure to monitor the disinfectant residual at least once every seven days as required.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)  
Description: Failure to collect water samples for bacteriological analysis according to your sample site plan.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

Description: Failure to provide adequate well capacity.

Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

Description: Failure to meet this agency's "Minimum Water System Capacity Requirements."

Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)

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

Description: Failure to insure that the public water supply is operated by an appropriately licensed individual.

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	04/26/2005	(377478)
2	12/30/2005	(434786)
3	07/08/2008	(685395)
4	07/10/2009	(701154)

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

Date: 02/12/2008 (618225)

CN600658751

Self Report? NO

Classification: Minor

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

Description: Failure to maintain a minimum pressure of 35 psi at all points within the distribution system.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING THE  
CITY OF CARL'S CORNER  
RN101391852**

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

## **AGREED ORDER DOCKET NO. 2009-1496-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Carl's Corner ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

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

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

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

### **I. FINDINGS OF FACT**

1. The City owns and operates a public water supply at 2100 Linda Road East in Carl's Corner, Hill County, Texas (the "Facility") that has approximately 45 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted on June 17 and 23, 2009, TCEQ staff documented that the City did not provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, on June 17, 2009, a pressure recorder was placed on the flush valve near 3900 Bluebonnet Lane. The pressure recorder was

retrieved on June 23, 2009, and revealed that the pressure dropped below 20 psi each day from June 18 to June 23.

3. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not provide a well production capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility serves 45 connections requiring a production capacity of 27 gpm. The Facility's well produces only 10 gpm, which is a 63% deficiency.
4. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities. Specifically, at the time of the investigation, it was documented that there was no lock on the hatch on the ground storage tank nearest to the pump house.
5. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, at the time of the investigation, it was documented that the ground storage tank nearest to the pump house did not have a flap cover.
6. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility. Specifically, at the time of the investigation, it was documented that there was excessive vegetation growing within the Facility and trees growing through the fence.
7. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not maintain the exterior coating on the ground storage tanks in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that both ground storage tanks had a deteriorated exterior coating in the form of rust spots.
8. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, at the time of the investigation, it was documented that the well sealing block extends only 28.5 inches from the center of the well casing.
9. During an investigation conducted on June 23, 2009, TCEQ staff documented that the City did not provide operating records at the time of the investigation. Specifically, at the time of the investigation, the following records were unavailable for review: TCEQ plan approval for the new pressure tank and verification that the interior coating on the new pressure tank meets the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") standards.
10. The City received notice of the violations on September 8, 2009.
11. The Executive Director recognizes that as of July 1, 2009, the City has begun providing a minimum pressure of 35 psi throughout the distribution system under normal operating conditions as a result of repairing a water main break.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the City failed to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, in violation of 30 TEX. ADMIN. CODE § 290.46(r).
3. As evidenced by Findings of Fact No. 3, the City failed to provide a well production capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.g.i.
4. As evidenced by Findings of Fact No. 4, the City failed to ensure that the roof access opening on the ground storage tank remains locked except during inspection and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
5. As evidenced by Findings of Fact No. 5, the City failed to provide the overflow on the ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
6. As evidenced by Findings of Fact No. 6, the City failed to initiate maintenance and housekeeping practices to ensure a good general appearance of the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
7. As evidenced by Findings of Fact No. 7, the City failed to maintain the exterior coating on the ground storage tanks in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
8. As evidenced by Findings of Fact No. 8, the City failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.e.ii.
9. As evidenced by Findings of Fact No. 9, the City failed to provide operating records at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and TCEQ Agreed Order Docket No. 2003-1372-MLM-E Ordering Provision 3.c.i.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent 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.
11. An administrative penalty in the amount of Nine Thousand Fifty Dollars (\$9,050) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid the Nine Thousand Fifty Dollar (\$9,050) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Nine Thousand Fifty Dollars (\$9,050) as set forth in Section II, Paragraph 11 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 Carl's Corner, Docket No. 2009-1496-PWS-E" to:

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

2. The City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Provide a lock on the hatch of the ground storage tank nearest to the pump house, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - ii. Provide the overflow pipe on the ground storage tank nearest to the pump house with a gravity-hinged and weighted cover that fits tightly with no gap greater than 1/16 inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, 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. Ensure a good general appearance of the Facility by providing maintenance and housekeeping practices, including but not limited to, removing all excessive vegetation from inside the Facility and any vegetation in contact with the fence surrounding it, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Refurbish the exterior coating of the ground storage tanks to protect the tanks from corrosion, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - iii. Provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, 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, maintain all water system records at the Facility so that they are available during an inspection, including but not limited to, verification that the interior coating on the new pressure tank meets ANSI/NSF standards. Additionally, submit plans and specifications for the new pressure tank to the TCEQ for review and approval and once approval has been granted, maintain a copy at the Facility, as required by 30 TEX. ADMIN. CODE § 290.46. Plans and specifications shall be submitted to:

Water Supply Division  
Utilities Technical Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- f. Within 105 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Agreed Order, provide a total well production capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. 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 City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
4/26/2011  
Date

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

\_\_\_\_\_  
2/8/2011  
Date

CARL CORNELIUS  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Carl's Corner

\_\_\_\_\_  
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.

