

Executive Summary – Enforcement Matter – Case No. 46269

City of Gladewater

RN101176832

Docket No. 2013-0380-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Gladewater, 1407 East Lake Drive, Gladewater, Gregg County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 14, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,848

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,848

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$39

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 46269

City of Gladewater

RN101176832

Docket No. 2013-0380-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 1, 2012 and December 4, 2012

Date(s) of NOE(s): January 22, 2013

Violation Information

1. Failed to provide an air gapped connection to waste for filter-to-waste connections [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].
2. Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I)].
3. Failed to have the backflow prevention assemblies which are installed to provide protection against health hazards and certified to be operating within specifications tested at least annually by a recognized backflow prevention assembly tester [30 TEX. ADMIN. CODE § 290.44(h)(4)].
4. Failed to operate the disinfection equipment to maintain a chloramine residual of 0.5 milligrams per liter (“mg/L”) throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to calibrate the individual filter effluent online turbidimeters at least once every 90 days using primary standards [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii)].
6. Failed to provide air scour backwash or surface wash facilities for filters installed after January 1, 1996 [30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vii)].
7. Failed to provide Facility records to Commission personnel at the time of an investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I) and (f)(3)(A)(iv)].
8. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By March 25, 2013, Respondent has begun maintaining records of the dates all dead-end mains were flushed.

Executive Summary – Enforcement Matter – Case No. 46269
City of Gladewater
RN101176832
Docket No. 2013-0380-PWS-E

Technical Requirements:

The Order will require Respondent to:

a. Immediately, begin operating the disinfection equipment to ensure the disinfectant residual throughout the distribution system is at least 0.5 mg/L of total chlorine at all times.

b. Within 30 days:

i. Update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained throughout the distribution system. This provision will be satisfied upon six months of daily compliant monitoring and reporting;

ii. Provide an air gapped connection to waste for filter-to-waste connections;

iii. Provide adequate containment facilities for all liquid chemical storage tanks, including but not limited to: the three 55 gallon drums and the 250 gallon tote of liquid caustic;

iv. Initiate good housekeeping practices, including but not limited to the following: removing the vegetative growth on the fence at the Center Street elevated storage tank;

v. Calibrate the four individual filter effluent online turbidimeters by using primary standards to calibrate; and

vi. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: records of the amount of chemicals used each day.

c. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions b.ii. through b.vi.

d. Within 60 days:

i. Provide air scour backwash or surface wash facilities for filters installed after January 1, 1996; and

ii. Have all backflow prevention assemblies which are installed to provide protection against health hazards and certified to be operating within specifications tested by a recognized backflow prevention assembly tester.

Executive Summary – Enforcement Matter – Case No. 46269

City of Gladewater

RN101176832

Docket No. 2013-0380-PWS-E

e. Within 75 days, submit written certification demonstrating compliance with Ordering Provisions d.i. and d.ii.

f. Within 225 days, submit written certification demonstrating compliance with Ordering Provision b.i.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Harold Wells, Mayor, City of Gladewater, P.O. Box 1725, Gladewater, Texas 75647

Sean Pate, City Manager, City of Gladewater, P.O. Box 1725, Gladewater, Texas 75647

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	28-Jan-2013	Screening	18-Feb-2013	EPA Due	
	PCW	21-Jun-2013				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Gladewater
Reg. Ent. Ref. No.	RN101176832
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	46269	No. of Violations	8
Docket No.	2013-0380-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Katy Schumann
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,580
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	5.0% Enhancement Subtotals 2, 3, & 7 \$229

Notes	Enhancement for one NOV with same/similar violations.
--------------	---

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	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
<small>Total EB Amounts</small>	\$1,147	<small>*Capped at the Total EB \$ Amount</small>	
<small>Approx. Cost of Compliance</small>	\$3,641		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,809
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			

Notes	
--------------	--

Final Penalty Amount	\$4,809
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,848
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0% Reduction	Adjustment	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			

Notes	No deferral is recommended for Findings Orders.
--------------	---

PAYABLE PENALTY	\$4,848
------------------------	---------

Screening Date 18-Feb-2013

Docket No. 2013-0380-PWS-E

PCW

Respondent City of Gladewater

Policy Revision 3 (September 2011)

Case ID No. 46269

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 5%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same/similar violations.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 5%

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann
Violation Number 1

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s)

30 Tex. Admin. Code § 290.42(d)(2)(E)

Violation Description

Failed to provide an air gapped connection to waste for filter-to-waste connections. Specifically, it was documented that the system did not have an air gapped connection to waste for filter-to-waste connections. The water emptied into a sump and then into the waste water treatment lagoons, and the top of the sump was above the base of the filters.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide an air gapped connection to waste for filter-to-waste connections could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$150

One quarterly event is recommended, calculated from the investigation date, December 4, 2012, to the screening date, February 18, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$158

This violation Final Assessed Penalty (adjusted for limits) \$158

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$500	1-May-2012	31-Oct-2013	1.50	\$3	\$50	\$53
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install an air gapped connection to waste for the filter-to-waste connections, calculated from the investigation date initially documenting the violation 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 \$500

TOTAL \$53

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
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)	\$800	1-May-2012	30-Sep-2013	1.42	\$4	\$76	\$79
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to purchase and install secondary containment for the three 55 gallon drums and the 250 gallon tote of liquid caustic, calculated from the date of the investigation initially documenting the violation 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

\$800

TOTAL

\$79

Screening Date 18-Feb-2013
 Respondent City of Gladewater
 Case ID No. 46269

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832
 Media [Statute] Public Water Supply
 Enf. Coordinator Katy Schumann

Violation Number
 Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to have the backflow prevention assemblies which are installed to provide protection against health hazards and certified to be operating within specifications tested at least annually by a recognized backflow prevention assembly tester. Specifically, it was documented that there were no records indicating that 17 of the 19 backflow assemblies had been tested and certified to be operating within specifications within the previous 12 months.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to ensure that backflow prevention assemblies are operating within specifications on an annual basis may allow undetected problems with the device and could allow a significant amount of contaminants which would not exceed levels protective of human health to enter the water system.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Seventeen annual events are recommended (one for each location).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
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

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]	\$527	1-May-2011	4-Dec-2012	2.52	\$66	\$527	\$593
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The delayed cost includes the estimated amount to annually test 17 backflow prevention assemblies (\$31 each), calculated for the 12 month period preceding the date of the investigation initially documenting the violation to the date of the most recent investigation.

Approx. Cost of Compliance \$527

TOTAL \$593

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to operate the disinfection equipment to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the December 4, 2012 investigation, it was documented that the total chlorine residual at the flush valve located near the residence at 193 McKain Road was 0.09 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to maintain proper levels of disinfection could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended, based on the day the disinfectant residual was below the minimum required level.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/> (mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	4-Dec-2012	30-Sep-2013	0.82	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol and conduct employee training to ensure that the disinfection equipment is operated in a manner that maintains the minimum disinfectant residual throughout the distribution system at all times, calculated from the investigation date initially documenting the violation 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]	\$200	4-Dec-2012	18-Feb-2013	1.13	\$11	\$200	\$211
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight and maintenance to ensure disinfection equipment is operating properly to maintain adequate disinfectant residuals, calculated from the investigation date initially documenting the violation to the screening date.

Approx. Cost of Compliance	\$300	TOTAL	\$215
-----------------------------------	-------	--------------	-------

Screening Date 18-Feb-2013

Docket No. 2013-0380-PWS-E

PCW

Respondent City of Gladewater

Policy Revision 3 (September 2011)

Case ID No. 46269

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 5

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

Violation Description Failed to calibrate the four individual filter effluent online turbidimeters at least once every 90 days using primary standards.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to verify the accuracy of the online turbidimeters could result in the non-detection of improperly tested water and potentially expose the customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 4 Number of violation days 76

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

Violation Base Penalty \$600

Four quarterly events are recommended (one for each meter), calculated from the investigation date, December 4, 2012, to the screening date, February 18, 2013.

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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$630

This violation Final Assessed Penalty (adjusted for limits) \$630

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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]	\$124	1-May-2012	18-Feb-2013	1.72	\$11	\$124	\$135
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to perform the calibration on the turbidimeters (\$31 per turbidimeter x 4 turbidimeters), calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance

\$124

TOTAL

\$135

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(F)(vii)

Violation Description Failed to provide air scour backwash or surface wash facilities for filters installed after January 1, 1996. Specifically, at the time of the investigation conducted on December 4, 2012, it was documented that the system did not use air scour during the backwash.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

Failure to provide air scour backwash or surface wash facilities for filters could prevent proper cleaning of the filters which could expose customers of the Facility to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 76 Number of violation days

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

Violation Base Penalty \$150

One quarterly event is recommended, calculated from the investigation date, December 4, 2012, to the screening date, February 18, 2013.

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$158

This violation Final Assessed Penalty (adjusted for limits) \$158

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
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)	\$1,000	4-Dec-2012	31-Oct-2013	0.91	\$3	\$60	\$63
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide air scour backwash or surface wash facilities, 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

\$1,000

TOTAL

\$63

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(I) and (f)(3)(A)(iv)

Violation Description
 Failed to provide Facility records to Commission personnel at the time of an investigation. Specifically, at the time of the investigation conducted on December 4, 2012, it was documented that the Respondent failed to provide the following documents: records of the amount of chemicals used each day and records of the dates dead end mains were flushed.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 76 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 \$5

Violation Final Penalty Total \$11

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

Economic Benefit Worksheet

Respondent City of Gladewater

Case ID No. 46269

Reg. Ent. Reference No. RN101176832

Media Public Water Supply

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$90	4-Dec-2012	30-Sep-2013	0.82	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile and begin maintaining a record keeping system for the following records: records of the amount of chemicals used each day, and dates that the dead end mains are flushed, 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

\$90

TOTAL

\$5

Screening Date 18-Feb-2013
Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Docket No. 2013-0380-PWS-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number

Rule Cite(s)

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation, it was documented that the fence at the Center Street elevated storage tank had vegetative growth that needed to be removed.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="7.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes Failure to maintain the good working condition and general appearance of the Facility's equipment could expose the customers to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply

0.0% Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Gladewater
Case ID No. 46269
Reg. Ent. Reference No. RN101176832
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	1-May-2012	30-Sep-2013	1.42	\$1	\$28	\$30
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to clear the vegetation from the fence around the Center Street elevated storage tank, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$30

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600624829, RN101176832, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600624829, City of Gladewater **Classification:** SATISFACTORY **Rating:** 0.55

Regulated Entity: RN101176832, CITY OF GLADEWATER **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 1407 EAST LAKE DRIVE, GLADEWATER, GREGG COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0920001

WATER LICENSING LICENSE 0920001

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: February 18, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 18, 2008 to February 18, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katy Schumann

Phone: (512) 239-2602

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 August 02, 2010 (842423)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 06/18/2012 (1009861) CN600624829
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)
 Description: Failure to provide an air gapped connection to waste for filter-to-waste connections.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)
 Description: Failure to provide secondary containment facilities.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
 Description: Failure to perform annual inspections and testing by a certified backflow assembly tester on all backflow prevention assemblies.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
 Description: Failure to maintain a total chorine residual of at least 0.5 mg/L throughout the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B)
 Description: Failure by the regulated entity, which serves more than 1,000 connections, and only uses surface water to employ at least two Class "B" licensed surface water operators.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
 Description: Failure to properly calibrate laboratory equipment used for compliance testing.

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 GLADEWATER
RN101176832**

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

AGREED ORDER DOCKET NO. 2013-0380-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 Gladewater (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 presented this agreement to the Commission.

The Respondent 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 Respondent 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 Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1407 East Lake Drive in Gladewater, Gregg County, Texas (the "Facility") that has approximately 3,065 service connections and serves at least 25 people per day for at least 60 days per year.

2. During investigations conducted on May 1, 2012 and December 4, 2012, TCEQ staff documented that the system did not have an air gapped connection to waste for filter-to-waste connections. The water emptied into a sump and then into the waste water treatment lagoons, and the top of the sump was above the base of the filters.
3. During investigations conducted on May 1, 2012 and December 4, 2012, TCEQ staff documented that three 55 gallon drums and a 250 gallon tote of liquid caustic were being stored without secondary containment.
4. During investigations conducted on May 1, 2012 and December 4, 2012, TCEQ staff documented that there were no records indicating that 17 of the 19 backflow assemblies had been tested and certified to be operating within specifications within the previous 12 months.
5. During an investigation conducted on December 4, 2012, TCEQ staff documented that the total chlorine residual at the flush valve located near the residence at 193 McKain Road was 0.09 milligrams per liter ("mg/L").
6. During investigations conducted on May 1, 2012 and December 4, 2012, TCEQ staff documented that the Respondent did not calibrate the four individual filter effluent online turbidimeters at least once every 90 days using primary standards.
7. During an investigation conducted on December 4, 2012, TCEQ staff documented that the system did not use air scour during the backwash.
8. During an investigation conducted on December 4, 2012, TCEQ staff documented that the Respondent did not provide the following documents: records of the amount of chemicals used each day and records of the dates dead end mains were flushed.
9. During investigations conducted on May 1, 2012 and December 4, 2012, TCEQ staff documented that the fence at the Center Street elevated storage tank had vegetative growth that needed to be removed.
10. The Respondent received notice of the violations on January 24, 2013.
11. The Executive Director recognizes that by March 25, 2013, the Respondent has begun maintaining records of the dates all dead-end mains were flushed.

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 Respondent failed to provide an air gapped connection to waste for filter-to-waste connections, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to have the backflow prevention assemblies which are installed to provide protection against health hazards and certified to be operating within specifications tested at least annually by a recognized backflow prevention assembly tester, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to operate the disinfection equipment to maintain a chloramine residual of 0.5 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to calibrate the individual filter effluent online turbidimeters at least once every 90 days using primary standards, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to provide air scour backwash or surface wash facilities for filters installed after January 1, 1996, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(F)(vii).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide Facility records to Commission personnel at the time of an investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I) and (f)(3)(A)(iv).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
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 Four Thousand Eight Hundred Forty-Eight Dollars (\$4,848) 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

Respondent has paid the Four Thousand Eight Hundred Forty-Eight Dollar (\$4,848) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Eight Hundred Forty-Eight Dollars (\$4,848) 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 Respondent'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 Gladewater, Docket No. 2013-0380-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin operating the disinfection equipment to ensure the disinfectant residual throughout the distribution system is at least 0.5 mg/L of total chlorine at all times, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained throughout the distribution system, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110. This provision will be satisfied upon six months of daily compliant monitoring and reporting. Monitoring results shall be submitted to the addresses listed in Order Provision No. 2.f.;
 - ii. Provide an air gapped connection to waste for filter-to-waste connections, in accordance with 30 TEX. ADMIN. CODE § 290.42;

- iii. Provide adequate containment facilities for all liquid chemical storage tanks, including but not limited to: the three 55 gallon drums and the 250 gallon tote of liquid caustic, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iv. Initiate good housekeeping practices, including but not limited to the following: removing the vegetative growth on the fence at the Center Street elevated storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Calibrate the four individual filter effluent online turbidimeters by using primary standards to calibrate, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - vi. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: records of the amount of chemicals used each day, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below to demonstrate compliance with Ordering Provision Nos. 2.b.ii. through 2.b.vi.;
- d. Within 60 days after the effective date of this Agreed Order:
- i. Provide air scour backwash or surface wash facilities for filters installed after January 1, 1996, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - ii. Have all backflow prevention assemblies which are installed to provide protection against health hazards and certified to be operating within specifications tested by a recognized backflow prevention assembly tester, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below to demonstrate compliance with Ordering Provision Nos. 2.d.i. and 2.d.ii.;
- f. Within 225 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.b.i. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on

my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon the 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. 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 Respondent if the Executive Director determines that the Respondent 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 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.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
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

Ramona Davison
For the Executive Director

9/3/13
Date

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

Jean Pate
Signature

8-5-2013
Date

Jean Pate
Name (Printed or typed)
Authorized Representative of
City of Gladewater

City Manager
Title

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