

Executive Summary – Enforcement Matter – Case No. 47747
City of Kenedy
RN101428274
Docket No. 2013-1852-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WR

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Kenedy PWS, 303 West Main Street, Kenedy, Karnes 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: February 28, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,297

Amount Deferred for Expedited Settlement: \$2,459

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$9,838

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: \$37

Applicable Penalty Policy: September 2011

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Docket No. 2013-1852-MLM-E

Investigation Information

Complaint Date(s): July 5, 2013, September 16, 2013, and December 16, 2013
Complaint Information: Alleged there was a leak on the City of Kenedy's PWS distribution line and that there was very low water pressure in the complainant's house.
Date(s) of Investigation: July 30, 2013 and August 15, 2013
Date(s) of NOE(s): September 23, 2013

Violation Information

1. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting. Specifically, the pressure recorder installed July 30, 2013 through August 6, 2013 on the fire hydrant main at Graham and Clinton Street indicated that the pressure dropped below 35 psi each day but did not drop below 20 psi [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].
2. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, the air release valve at Well No. 10, the packing glands for service pump No. 1, the booster pumps after the pre-filters, and the reverse osmosis Trains A and B located at the main plant were leaking. In addition, at the time of the initial investigation on July 30, 2013, a distribution waterline was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].
3. Failed to provide treatment facility capacity that meets the required groundwater production rate. Specifically, the treatment facility capacity was 1,289 gallons per minute ("gpm"). With 3,077 connections, the Respondent is required to provide 1,846 gpm production capacity. The 1,289 gpm documented at the Facility during the investigation is therefore a 30% deficiency [30 TEX. ADMIN. CODE § 290.45(a)(6)].
4. Failed to properly seal the well heads with the use of gaskets or a sealing compound and screen the well casing vent with an opening that is covered with a 16-mesh or finer corrosion-resistant screen facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, there was an opening at the top of the well heads of Well Nos. 10 and 14, the casing vent screen was greater than a 16-mesh at Well Nos. 8, 10, and 11 and there was no casing vent on Well No. 14 [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
5. Failed to ensure that the openings to the air-release devices on the discharge piping of each well are covered with a 16-mesh or finer corrosion resistant screen. Specifically, no screen was provided for the air-release valves on Well Nos. 15 and 8 and the screen on

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the air-release valves was greater than the 16-inch mesh at Well Nos. 10 and 11 [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].

6. Failed to calibrate the Facility's well meters at least once every three years. Specifically, no well meter calibration records or documentation indicating that the meters have been replaced within the past three years for the meters at Well Nos. 8, 10, 11, and 14 were provided [30 TEX. ADMIN. CODE § 290.46(s)(1)].

7. Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, the gas chlorine cylinders stored outside of the gas chlorine room located at the main plant were not protected from adverse weather conditions [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].

8. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted. Specifically, no ownership signs were posted at Well No. 14 and at the elevated storage tank located at the prison [30 TEX. ADMIN. CODE § 290.46(t)].

9. Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester who certifies that they are operating within specifications. Specifically, the wastewater treatment plant and the carwash backflow prevention assemblies had not been tested within the last year [30 TEX. ADMIN. CODE § 290.44(h)(4)].

10. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists. Specifically, the prison had a cross connection where a hose hydrant was connected to a fire hydrant. The hose was connected to the line that supplies the irrigation and to an immersed hose used to fill a pond in the prison. Additionally, the fire hydrant near 202 School Street was connected to the hose used by the street sweepers [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].

11. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the new valves and mains were not included in the distribution map [30 TEX. ADMIN. CODE § 290.46(n)(2)].

12. Failed to plug and seal abandoned public water supply wells or submit test reports proving that the wells are in a non-deteriorated condition. Specifically, Well Nos. 3 and 6 have been out of service for at least six years and have not been tested or plugged [30 TEX. ADMIN. CODE § 290.46(u)].

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13. Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, connection and population information, sampling locations and well information were not up-to-date and no schematic map was included [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

14. Failed to provide a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].

15. Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not provided: the amount of chemicals used each day, the volume of water treated each day, records of complaints, copies of Customer Service Inspection reports, and the annual tank inspection for the one million gallon ground storage tank [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(A)(iii), (f)(3)(D)(ii), and (f)(3)(E)(iv)].

16. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, it was documented that the Facility has 3,077 service connections and must provide a minimum service pump capacity of 6,154 gpm. The Facility currently has one service pump providing 1,650 gpm, which is a 73% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

17. Failed to conduct an annual inspection of the ground and elevated storage tanks. Specifically, the two 50,000 gallon ground storage tanks and 50,000 gallon and 400,000 gallon elevated storage tanks were last inspected on April 25, 2012 [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].

18. Failed to operate the Facility to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting. Specifically, at the time of the August 15, 2013 investigation, the pressure measured at 146 County Road 329 was five psi and the pressure at 729 Karnes Street was 30 psi [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].

19. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, no drought contingency plan was provided [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On August 27, 2013, provided a copy of the drought contingency plan;
- b. On October 1, 2013, posted an ownership sign at Well Site No. 14 and at the elevated storage tank located at the prison; and
- c. On October 30, 2013 and November 3, 2013 conducted an annual inspection for the two 50,000 gallon ground storage tanks and the 50,000 gallon and 400,000 gallon elevated storage tanks.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Calibrate the well meters for Well Nos. 8, 10, 11, and 14;
 - ii. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirement; and
 - iii. Begin maintaining completed monthly water works operation records and maintenance records, including but not limited to: the amount of chemicals used each day, the volume of water treated each day, records of complaints, copies of Customer Service Inspection reports, and the annual tank inspection forms for the one million gallon storage tank.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions a.i. through a.iii.
- c. Within 60 days:
 - i. Begin maintaining all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, including but not limited to: repairing the leaking distribution line, repairing the leaks for the air release valve at Well No. 10, the packing glands for service pump No. 1, the booster pumps after the pre-filters, and the reverse osmosis Trains A and B located at the main plant;

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ii. Seal the well heads for Well Nos. 10 and 14, provide the casing vents for Well Nos. 8, 10, and 11 with a 16-mesh or finer corrosion resistant screen, and install a casing vent on Well No. 14;

iii. Provide the openings to the air-release devices with a 16-mesh or finer corrosion resistant screening material on Well Nos. 8, 10, 11, and 15;

iv. Provide an accurate and up-to-date map of the distribution system;

v. Provide a thorough and up-to-date plant operations manual for operator review and reference; and

vi. Begin implementing measures or system improvements to ensure that a pressure of 35 psi is maintained throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi is maintained during emergencies such as fire fighting.

d. Within 75 days, submit written certification to demonstrate compliance with Ordering Provisions c.i. through c.vi.

e. Within 90 days:

i. Properly house the chlorine cylinders so that they are protected from adverse weather conditions and vandalism;

ii. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting;

iii. Ensure that all backflow prevention assembly devices are tested on an annual basis, including but not limited to having the backflow prevention assembly devices at the wastewater treatment plant and the carwash tested by a recognized backflow prevention assembly tester who certifies that the assemblies are operating within specifications; and

iv. Ensure that a proper backflow prevention assembly or air gap is provided at all locations where an actual or potential contamination hazard exists, including but not limited to the prison and 202 School Street.

f. Within 105 days, submit written certification to demonstrate compliance with Ordering Provisions e.i. through e.iv.

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g. Within 180 days:

i. Ensure abandoned public water supply Well Nos. 3 and 6 are properly plugged with cement or submit the test results proving that the wells are in a non-deteriorated condition;

ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection; and

iii. Provide a treatment facility capacity of that meets the required groundwater production rate; or submit for review and approval plans requesting an alternative capacity requirement for the Facility's treatment capacity. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the alternative capacity request within 30 days after the date of such requests, or by any other deadline specified in writing.

h. Within 195 days, submit written certification to demonstrate compliance with Ordering Provisions g.i. through g.iii.

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: Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Randy Garza, Mayor, City of Kenedy, 303 West Main Street, Kenedy, Texas 78119

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	23-Sep-2013	Screening	25-Sep-2013	EPA Due	
	PCW	25-Sep-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Kenedy				
Reg. Ent. Ref. No.	RN101428274				
Facility/Site Region	13-San Antonio	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47747	No. of Violations	18	
Docket No.	2013-1852-MLM-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media	Water Rights	Enf. Coordinator	Epifanio Villarreal	
		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** **\$9,280**

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** **\$2,320**

Notes: Enhancement for one NOV with same/similar violations and one agreed order with 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** **\$90**

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

Total EB Amounts \$7,190
 Approx. Cost of Compliance \$85,965
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,510**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$11,510**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,547**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,309**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$9,238**

Screening Date 25-Sep-2013

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PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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

Adjustment Percentage (Subtotal 2) 25%

>> 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 and one agreed order with denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 25-Sep-2013

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PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)

Violation Description Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting. Specifically, the pressure recorder installed July 30, 2013 through August 6, 2013 on the fire hydrant main at Graham and Clinton Streets indicated that the pressure dropped below 35 psi each day but did not drop below 20 psi.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		X		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes: Inadequate pressure throughout the distribution system could result in water outages and backflow problems that could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 8 Number of violation days 8

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

Violation Base Penalty \$1,200

Eight single events are 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 \$1,200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$181

Violation Final Penalty Total \$1,500

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

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$2,000	15-Aug-2013	7-Jun-2014	0.81	\$81	n/a	\$81

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement measures to ensure that pressure of 35 psi is maintained throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi is maintained during emergencies such as fire fighting. The date required is the date of the investigation. The final date is 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)	\$100	30-Jul-2013	6-Aug-2013	0.00	\$0	\$100	\$100

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary for additional oversight that could have prevented inadequate pressures throughout the Facility, calculated for the dates the system's pressure dropped below 35 psi.

Approx. Cost of Compliance

\$2,100

TOTAL

\$181

Screening Date 25-Sep-2013

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PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description

Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, the air release valve at Well No. 10, the packing glands for Service Pump No. 1, the booster pumps after the pre-filters, and the reverse osmosis Trains A and B located at the main plant were leaking. In addition, at the time of the initial investigation on July 30, 2013, a distribution waterline was leaking.

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	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain the air release valve, packing glands, booster pumps, reverse osmosis trains, and distribution waterlines in a watertight condition could allow a significant amount of contaminants to enter the water supply which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 5

41 Number of violation days

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

Violation Base Penalty \$750

Five quarterly events are recommended (one event per appurtenance) calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	30-Jul-2013	1-Jun-2014	0.84	\$2	\$34	\$35
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leaks, calculated from the date the violation was initially documented 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

\$600

TOTAL

\$35

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PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(a)(6)

Violation Description Failed to provide treatment facility capacity that meets the required groundwater production rate. Specifically, the treatment facility capacity was 1,289 gallons per minute ("gpm"). With 3,077 connections, the Respondent is required to provide 1,846 gpm production capacity. The 1,289 gpm documented at the Facility during the investigation is therefore a 30% deficiency.

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 provide adequate treatment facility capacity may result in water shortages or outages which could expose customers to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 41

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One quarterly event is recommended, calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$3,951

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50,000	15-Aug-2013	1-Oct-2014	1.13	\$188	\$3,763	\$3,951
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 a minimum treatment facility capacity that meets the required groundwater production rate, 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

\$50,000

TOTAL

\$3,951

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to properly seal the well heads with the use of gaskets or a sealing compound and screen the well casing vent with an opening that is covered with a 16-mesh or finer corrosion-resistant screen facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, there was an opening at the top of the well heads of Well Nos. 10 and 14, the casing vent screen was greater than a 16-mesh at Well Nos. 8, 10, and 11 and there was no casing vent on Well No. 14.

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 properly seal the well heads; screen the well casing vents; and provide a well casing vent could allow insects, dust, and other significant amounts of contaminants to enter the source water 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 \$850

\$150

Violation Events

Number of Violation Events 4

41 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$600

Four quarterly events are recommended (one event per well) calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
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)	\$600	15-Aug-2013	1-Jun-2014	0.79	\$2	\$32	\$33
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 seal the well heads for Well Nos. 10 and 14 and provide a 16-mesh or finer corrosion-resistant screen for the Well Nos. 8, 10, and 11 and provide a casing vent for Well No. 14, 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

\$600

TOTAL

\$33

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

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

Violation Description Failed to ensure that the openings to the air-release devices on the discharge piping of each well are covered with a 16-mesh or finer corrosion resistant screen. Specifically, no screen was provided for the air-release valves on Well Nos. 15 and 8 and the screen on the air-release valves was greater than the 16-inch mesh at Well Nos. 10 and 11.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%). Includes Matrix Notes: Failing to properly screen the openings of the air-release devices may allow contaminants to enter the distribution system exposing customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 4 Number of violation days 41

Table for frequency selection: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event. Includes instruction: mark only one with an x.

Violation Base Penalty \$600

Four quarterly events are recommended (one event per well) calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x). Includes sub-columns: Before NOV, NOV to EDPRP/Settlement Offer.

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 \$22

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
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)	\$400	15-Aug-2013	1-Jun-2014	0.79	\$1	\$21	\$22
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 properly screen the openings of the air-release valves, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$22

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description

Failed to calibrate the Facility's well meters at least once every three years. Specifically, no well meter calibration records or documentation indicating that the meters have been replaced within the past three years for the meters at Well Nos. 8, 10, 11, and 14 were provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to have the well meters properly calibrated could result in inaccurate or unavailable water usage and production data, which could expose customers of the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$930

\$70

Violation Events

Number of Violation Events 4 Number of violation days 41

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$280

Four single events are recommended (one event per meter).

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 \$280

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$148

Violation Final Penalty Total \$350

This violation Final Assessed Penalty (adjusted for limits) \$350

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$124	15-Aug-2010	15-Aug-2013	3.92	\$24	\$124	\$148

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly calibrate the well meters (\$31 x 4 meters), calculated for the three years prior to the investigation date.

Approx. Cost of Compliance \$124

TOTAL \$148

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(B)

Violation Description

Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism. Specifically, the gas chlorine cylinders stored outside of the gas chlorine room located at the main plant were not protected from adverse weather conditions.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

Failure to properly house the chlorine cylinders may allow persons or adverse weather conditions to damage or vandalize the cylinders exposing Facility employees to contaminants which would exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 41

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

Violation Base Penalty \$600

Two monthly events are recommended, calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$61

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	15-Aug-2013	1-Jul-2014	0.88	\$3	\$58	\$61
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 properly house the chlorine cylinders, 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

\$1,000

TOTAL

\$61

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(t)

Violation Description

Failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted. Specifically, no ownership signs were posted at Well No. 14 and at the elevated storage tank located at the prison.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

41 Number of violation days

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

Violation Base Penalty \$300

Two single events are recommended (one event per site).

Good Faith Efforts to Comply

10.0% Reduction

\$30

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

Notes The Respondent achieved compliance on October 1, 2013.

Violation Subtotal \$270

Economic Benefit (EB) for this violation

Estimated EB Amount \$2

Statutory Limit Test

Violation Final Penalty Total \$345

This violation Final Assessed Penalty (adjusted for limits) \$345

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
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)	\$200	15-Aug-2013	1-Oct-2013	0.13	\$0	\$2	\$2
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide ownership signs at Well No. 14 and the elevated storage tank at the prison, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$2

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester who certifies that they are operating within specifications. Specifically, the wastewater treatment plant and the carwash backflow prevention assemblies had not been tested within the last year.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to test backflow prevention assemblies on an annual basis to ensure the devices are operating properly could result in a reverse flow of contaminants entering into the water mains which would exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 41

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

Violation Base Penalty \$600

Two annual events are recommended (one for each assembly).

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 \$68

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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]	\$62	15-Aug-2012	15-Aug-2013	1.92	\$6	\$62	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the wastewater and carwash backflow prevention assemblies (\$31 per assembly), calculated for the 12 month period preceding the date of the investigation.

Approx. Cost of Compliance \$62

TOTAL \$68

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(1)(A)

Violation Description

Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists, as identified in 30 Tex. Admin. Code § 290.47(i). Specifically, the prison had a cross connection where a hose hydrant was connected to a fire hydrant. The hose was connected to the line that supplies the irrigation and to an immersed hose used to fill a pond in the prison. Additionally, the fire hydrant near 202 School Street was connected to the hose used by the street sweepers.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failing to provide a backflow prevention assembly or air gap at connections where an actual or potential hazard exists may allow backflow and siphonage to occur; thereby exposing customers of the Facility to contaminants which could exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 4

41 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,200

Four monthly events are recommended (two events per location) calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$1,200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,500

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

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	15-Aug-2013	1-Jul-2014	0.88	\$1	\$12	\$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 cost includes the estimated amount to install backflow prevention assemblies or air gaps at the prison and the hydrant near 202 School Street, 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

\$200

TOTAL

\$12

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 11

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

Violation Description

Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the new valves and mains were not included on the distribution map.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

41 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 \$3

Violation Final Penalty Total \$13

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

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$45	15-Aug-2013	1-Jun-2014	0.79	\$0	\$2	\$3
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 an accurate and up-to-date distribution map, 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

\$45

TOTAL

\$3

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.46(u)

Violation Description

Failed to plug and seal abandoned public water supply wells in accordance with 16 Tex. Admin. Code ch. 76 or submit the test results proving that the wells are in a non-deteriorated condition. Specifically, Well Nos. 3 and 6 have been out of service for at least six years and have not been tested or plugged.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to plug or test the abandoned wells could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 4

41 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,200

Four monthly events are recommended (two events per well) from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$1,200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,580

Violation Final Penalty Total \$1,500

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

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 12

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)	\$20,000	15-Aug-2013	1-Oct-2014	1.13	\$75	\$1,505	\$1,580
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 plug or test abandoned Well Nos. 3 and 6, calculated from the date of the investigation to the estimated 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

\$20,000

TOTAL

\$1,580

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, connection and population information, sampling locations and well information were not up-to-date and no schematic map was included.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		X	

Percent 7.0%

Matrix Notes

30% to 70% of the rule requirements were not met.

Adjustment \$930

\$70

Violation Events

Number of Violation Events 1

41 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$70

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 \$70

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$88

This violation Final Assessed Penalty (adjusted for limits) \$88

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$45	15-Aug-2013	1-May-2014	0.71	\$0	\$2	\$2
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the chemical and microbiological monitoring plan for the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to provide a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			15.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 41

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

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 14

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)	\$100	15-Aug-2013	1-Jun-2014	0.79	\$0	\$5	\$6
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile a plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(A)(iii), (f)(3)(D)(ii), and (f)(3)(E)(iv)

Violation Description

Failed to provide Facility records to Commission personnel at the time of the investigation. Specifically, the following records were not provided: the amount of chemicals used each day, the volume of water treated each day, records of complaints, copies of Customer Service Inspection reports, and the annual tank inspection for the one million gallon ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
		x	

Percent 7.0%

Matrix Notes

30% to 70% of the rule requirements were not met.

Adjustment \$930

\$70

Violation Events

Number of Violation Events 1

41 Number of violation days

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

Violation Base Penalty \$70

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 \$70

Economic Benefit (EB) for this violation

Estimated EB Amount \$11

Statutory Limit Test

Violation Final Penalty Total \$88

This violation Final Assessed Penalty (adjusted for limits) \$88

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 15

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)	\$225	15-Aug-2013	1-May-2014	0.71	\$1	\$11	\$11
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain Facility records (\$45 x 5 records), 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

\$225

TOTAL

\$11

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, it was documented that the Facility has 3,077 service connections and must provide a minimum service pump capacity of 6,154 gpm. The Facility currently has one service pump providing 1,650 gpm, which is a 73% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Without adequate service pump capacity, customers of the water system could experience water outages and backflow problems exposing customers to contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2

41 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$600

Two monthly events are recommended, calculated from the date of the investigation, August 15, 2013, to the date of screening, September 25, 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 \$790

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 16

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	15-Aug-2013	1-Oct-2014	1.13	\$38	\$753	\$790
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 two or more service pumps with a total pump capacity of 2.0 gpm per connection, 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

\$790

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to conduct an annual inspection of the ground and elevated storage tanks. Specifically, the two 50,000 gallon ground storage tanks and the 50,000 gallon and 400,000 gallon elevated storage tanks were last inspected on April 25, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to perform inspections of the ground storage and elevated tanks could expose customers of the Facility to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 4 365 Number of violation days

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

Violation Base Penalty \$600

Four annual events are recommended (one event per tank).

Good Faith Efforts to Comply

10.0% Reduction

\$60

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

Notes The Respondent achieved compliance on November 3, 2013.

Violation Subtotal \$540

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$184

Violation Final Penalty Total \$690

This violation Final Assessed Penalty (adjusted for limits) \$690

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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]	\$164	25-Apr-2012	3-Nov-2013	2.44	\$20	\$164	\$184
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual ground storage and elevated tank inspection (\$41 per tank), calculated from the last date the tanks were inspected to the date of compliance.

Approx. Cost of Compliance \$164

TOTAL \$184

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)

Violation Description

Failed to operate the Facility to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting. Specifically, at the time of the August 15, 2013 investigation, the pressure measured at 146 County Road 329 was 5 psi and the pressure at 729 Kames Street was 30 psi.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Inadequate pressure throughout the distribution system could result in water outages and backflow problems that could expose customers of the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$300

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$375

This violation Final Assessed Penalty (adjusted for limits) \$375

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Public Water Supply
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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 of compliance are captured in the economic benefit for Violation No. 1 of the Revision 3 Public Water Supply PCW.

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)	\$100	15-Aug-2013	16-Aug-2013	0.00	\$0	\$100	\$100

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary for additional oversight that could have prevented inadequate pressures throughout the Facility, calculated for the date the system's pressure dropped below 20 psi.

Approx. Cost of Compliance

\$100

TOTAL

\$100



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

ICEQ

DATES	Assigned	23-Sep-2013			
	PCW	25-Sep-2013	Screening	25-Sep-2013	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	City of Kenedy				
Reg. Ent. Ref. No.	RN101428274				
Facility/Site Region	13-San Antonio	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47747	No. of Violations	1
Docket No.	2013-1852-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7	\$187
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Notes: Enhancement for one NOV with same/similar violations and one agreed order with denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1
Approx. Cost of Compliance	\$360

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$750
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DEFERRAL	20.0% Reduction	Adjustment	-\$150
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$600
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Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

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>)	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 (<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) 25%

>> 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 and one agreed order with denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 25-Sep-2013

Docket No. 2013-1852-MLM-E

PCW

Respondent City of Kenedy

Policy Revision 3 (September 2011)

Case ID No. 47747

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101428274

Media [Statute] Water Rights

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c)

Violation Description Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier. Specifically, no drought contingency plan was provided.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 41

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

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$187

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent achieved compliance on August 27, 2013.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$751

This violation Final Assessed Penalty (adjusted for limits) \$751

Economic Benefit Worksheet

Respondent City of Kenedy
Case ID No. 47747
Reg. Ent. Reference No. RN101428274
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$360	15-Aug-2013	27-Aug-2013	0.03	\$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 cost includes the estimated amount to draft and adopt a drought contingency plan, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$360

TOTAL

\$1

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

PENDING Compliance History Report for CN600528459, RN101428274, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600528459, City of Kenedy
Classification: SATISFACTORY **Rating:** 3.99
Regulated Entity: RN101428274, CITY OF KENEDY
Classification: NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A
Repeat Violator: N/A
CH Group: 14 - Other
Location: 303 W MAIN ST, KENEDY, KARNES COUNTY, TX
TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1280002
WATER LICENSING LICENSE 1280002

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: September 25, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 25, 2008 to September 25, 2013

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

Name: EPI VILLARREAL

Phone: (361) 825-3425

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:

- 1 Effective Date: 10/06/2008 ADMINORDER 2008-0034-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Failure to maintain the facility's storage tanks so that they are covered, designed and fabricated in strict accordance with AWWA standards.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i)
Description: Failure to establish an adequate internal cross-connection control program.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains at monthly intervals.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF KENEDY
RN101428274**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1852-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Kenedy ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply at 303 West Main Street in Kenedy, Karnes County, Texas (the "Facility") that has approximately 3,077 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(50).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 28, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Two Hundred Ninety-Seven Dollars (\$12,297) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Thousand Eight

Hundred Thirty-Eight Dollars (\$9,838) of the administrative penalty and Two Thousand Four Hundred Fifty-Nine Dollars (\$2,459) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implement the following corrective measures at the Facility:
 - a. On August 27, 2013, provided a copy of the drought contingency plan;
 - b. On October 1, 2013, posted an ownership sign at Well Site No. 14 and at the elevated storage tank located at the prison; and
 - c. On October 30, 2013 and November 3, 2013 conducted an annual inspection for the two 50,000 gallon ground storage tanks and the 50,000 gallon and 400,000 gallon elevated storage tanks.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to operate the Facility to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r), as documented during an investigation conducted on August 15, 2013. Specifically, the pressure recorder installed July 30, 2013

through August 6, 2013 on the fire hydrant main at Graham and Clinton Streets indicated that the pressure dropped below 35 psi each day but did not drop below 20 psi.

2. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during investigations conducted on July 30, 2013 and August 15, 2013. Specifically, the air release valve at Well No. 10, the packing glands for service pump No. 1, the booster pumps after the pre-filters, and the reverse osmosis Trains A and B located at the main plant were leaking. In addition, at the time of the initial investigation on July 30, 2013, a distribution waterline was leaking.
3. Failed to provide treatment facility capacity that meets the required groundwater production rate, in violation of 30 TEX. ADMIN. CODE § 290.45(a)(6), as documented during an investigation conducted on August 15, 2013. Specifically, the treatment facility capacity was 1,289 gallons per minute ("gpm"). With 3,077 connections, the Respondent is required to provide 1,846 gpm production capacity. The 1,289 gpm documented at the Facility during the investigation is therefore a 30% deficiency.
4. Failed to properly seal the well heads with the use of gaskets or a sealing compound and screen the well casing vent with an opening that is covered with a 16-mesh or finer corrosion-resistant screen facing downward, elevated, and located as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on August 15, 2013. Specifically, there was an opening at the top of the well heads of Well Nos. 10 and 14, the casing vent screen was greater than a 16-mesh at Well Nos. 8, 10, and 11 and there was no casing vent on Well No. 14.
5. Failed to ensure that the openings to the air-release devices on the discharge piping of each well are covered with a 16-mesh or finer corrosion resistant screen, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(Q), as documented during an investigation conducted on August 15, 2013. Specifically, no screen was provided for the air-release valves on Well Nos. 15 and 8 and the screen on the air-release valves was greater than the 16-inch mesh at Well Nos. 10 and 11.
6. Failed to calibrate the Facility's well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on August 15, 2013. Specifically, no well meter calibration records or documentation indicating that the meters have been replaced within the past three years for the meters at Well Nos. 8, 10, 11, and 14 were provided.
7. Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B), as documented during an investigation conducted on August 15, 2013. Specifically, the gas chlorine cylinders stored outside of the gas chlorine room located at the main plant were not protected from adverse weather conditions.
8. Failed to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as

- documented during an investigation conducted on August 15, 2013. Specifically, no ownership signs were posted at Well No. 14 and at the elevated storage tank located at the prison.
9. Failed to have all backflow prevention assemblies tested on an annual basis by a recognized backflow assembly tester who certifies that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on August 15, 2013. Specifically, the wastewater treatment plant and the carwash backflow prevention assemblies had not been tested within the last year.
 10. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(i), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A), as documented during an investigation conducted on August 15, 2013. Specifically, the prison had a cross connection where a hose hydrant was connected to a fire hydrant. The hose was connected to the line that supplies the irrigation and to an immersed hose used to fill a pond in the prison. Additionally, the fire hydrant near 202 School Street was connected to the hose used by the street sweepers.
 11. Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on August 15, 2013. Specifically, the new valves and mains were not included in the distribution map.
 12. Failed to plug and seal abandoned public water supply wells in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test reports proving that the wells are in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on August 15, 2013. Specifically, Well Nos. 3 and 6 have been out of service for at least six years and have not been tested or plugged.
 13. Failed to provide an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during an investigation conducted on August 15, 2013. Specifically, connection and population information, sampling locations and well information were not up-to-date and no schematic map was included.
 14. Failed to provide a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on August 15, 2013.
 15. Failed to provide Facility records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(ii)(II), (f)(3)(A)(iii), (f)(3)(D)(ii), and (f)(3)(E)(iv), as documented during an investigation conducted on August 15, 2013. Specifically, the following records were not provided: the amount of chemicals used each day, the volume of water treated each day,

records of complaints, copies of Customer Service Inspection reports, and the annual tank inspection for the one million gallon ground storage tank.

16. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on August 15, 2013. Specifically, it was documented that the Facility has 3,077 service connections and must provide a minimum service pump capacity of 6,154 gpm. The Facility currently has one service pump providing 1,650 gpm, which is a 73% deficiency.
17. Failed to conduct an annual inspection of the ground and elevated storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on August 15, 2013. Specifically, the two 50,000 gallon ground storage tanks and 50,000 gallon and 400,000 gallon elevated storage tanks were last inspected on April 25, 2012.
18. Failed to operate the Facility to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as firefighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r). Specifically, at the time of the August 15, 2013 investigation, the pressure measured at 146 County Road 329 was five psi and the pressure at 729 Karnes Street was 30 psi.
19. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c), as documented during an investigation conducted on August 15, 2013. Specifically, no drought contingency plan was provided.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Kenedy, Docket No. 2013-1852-MLM-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Calibrate the well meters for Well Nos. 8, 10, 11, and 14, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin maintaining an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirement, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - iii. Begin maintaining completed monthly water works operation records and maintenance records, including but not limited to: the amount of chemicals used each day, the volume of water treated each day, records of complaints, copies of Customer Service Inspection reports, and the annual tank inspection forms for the one million gallon storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Begin maintaining all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, including but not limited to: repairing the leaking distribution line, repairing the leaks for the air release valve at Well No. 10, the packing glands for service pump No. 1, the booster pumps after the pre-filters, and the reverse osmosis Trains A and B located at the main plant, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Seal the well heads for Well Nos. 10 and 14, provide the casing vents for Well Nos. 8, 10, and 11 with a 16-mesh or finer corrosion resistant screen, and install a casing vent on Well No. 14, in accordance with 30 TEX. ADMIN. CODE § 290.41;
 - iii. Provide the openings to the air-release devices with a 16-mesh or finer corrosion resistant screening material on Well Nos. 8, 10, 11, and 15, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Provide an accurate and up-to-date map of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- v. Provide a thorough and up-to-date plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - vi. Begin implementing measures or system improvements to ensure that a pressure of 35 psi is maintained throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi is maintained during emergencies such as fire fighting, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i. through 2.c.vi.
- e. Within 90 days after the effective date of this Agreed Order:
- i. Properly house the chlorine cylinders so that they are protected from adverse weather conditions and vandalism, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and a minimum pressure of 20 psi during emergencies such as fire fighting, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Ensure that all backflow prevention assembly devices are tested on an annual basis, including but not limited to having the backflow prevention assembly devices at the wastewater treatment plant and the carwash tested by a recognized backflow prevention assembly tester who certifies that the assemblies are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44; and
 - iv. Ensure that a proper backflow prevention assembly or air gap is provided at all locations where an actual or potential contamination hazard exists, including but not limited to the prison and 202 School Street, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- f. Within 105 days after the effective of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i. through 2.e.iv.
- g. Within 180 days after the effective date of this Agreed Order:
- i. Ensure abandoned public water supply Well Nos. 3 and 6 are properly plugged with cement according to 16 TEX. ADMIN. CODE ch. 76 or submit

the test results proving that the wells are in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
- iii. Provide a treatment facility capacity of that meets the required groundwater production rate; or submit for review and approval, plans as outlined in 30 TEX. ADMIN. CODE § 290.45(g) requesting an alternative capacity requirement for the Facility's treatment capacity.

The alternative capacity request shall be sent to:

Utilities Technical Review Team
Water Supply Division, MC-153
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the alternative capacity request within 30 days after the date of such requests, or by any other deadline specified in writing.

- 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 Nos. 2.g.i. through 2.g.iii. 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:

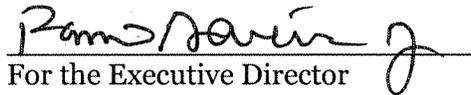
Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

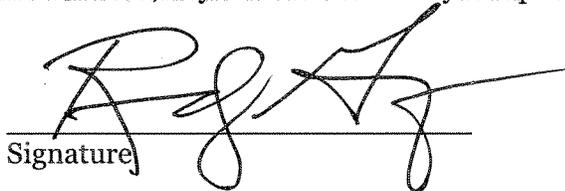
5/26/14
Date

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

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

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

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


Signature

1/16/2014
Date

Randy Garza

Mayor, City of Kenedy

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

Title

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