

**Executive Summary – Enforcement Matter – Case No. 39685**

**City of Tenaha**

**RN102844560 and RN101389039**

**Docket No. 2014-0195-MLM-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

MLM - PWS, WQ

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Tenaha WWTF (Facility No. 1), located adjacent to Hilliard Creek; approximately 2,400 feet south of U.S. Highway 84 and 3,300 feet east of U.S. Highway 96, Shelby County

City of Tenaha PWS (Facility No. 2), 318 South Main Street, Tenaha, Shelby County

**Type of Operation:**

Wastewater treatment facility and a public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 4, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$36,589

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$36,589

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications (RN102844560):**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Compliance History Classifications (RN101389039):**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

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**City of Tenaha**  
**RN102844560 and RN101389039**  
**Docket No. 2014-0195-MLM-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 12, 2013 and December 16, 2013

**Date(s) of NOE(s):** January 6, 2014, January 16, 2014 and January 24, 2014

***Violation Information***

1. Failed to comply with permitted effluent limits at Facility No. 1 for total suspended solids, *E. coli*, daily flow, and ammonia nitrogen [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010818001, Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2010-0778-MWD-E, Ordering Provision No. 2.c.].
2. Failed to timely submit monitoring results at the intervals specified in the permit for Facility No. 1 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1].
3. Failed to submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013 for Facility No. 1 [30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0010818001, Sludge Provisions].
4. Failed to submit monitoring results at the intervals specified in the permit for Facility No. 1 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1].
5. Failed to provide public notification regarding an exceedance with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") for the second quarter of 2012 through the fourth quarter of 2012 for Facility No. 2 [30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (b)(3)(A)].
6. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of the quarter for Facility No. 2 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
7. Failed to provide public notification for the failure to conduct routine coliform monitoring for the month of April 2013 for Facility No. 2 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
8. Failed to collect lead and copper tap samples at the required 10 sample sites, have the samples analyzed at an approved laboratory, and submit the results to the ED by the

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tenth day of the month following the end of the monitoring period for Facility No. 2 [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By January 15, 2014, the Respondent submitted discharge monitoring reports ("DMRs") for the monitoring periods ending August 31, 2013 and September 30, 2013 for Facility No. 1.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 10 days, implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 2, including but not limited to providing public notification regarding the failure to comply with the MCL for TTHM and for the failure to conduct routine coliform monitoring.
- b. Within 25 days, submit written certification to demonstrate compliance with a.
- c. Within 30 days:
  - i. Update the operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished for Facility No. 2, including the timely submission of signed and certified DLQORs;
  - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 2, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring;
  - iii. Implement improvements to the process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples for Facility No. 2 are collected, analyzed by an approved laboratory and the results reported to the ED within ten days following the end of each monitoring period;
  - iv. Update the operational guidance and conduct employee training to ensure that self-reporting, including the timely submittal of signed and certified monthly DMRs for Facility No. 1;
  - v. Submit the DMRs for the monitoring periods ending January 31, 2013 through July 31, 2013; and

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- vi. Submit the annual sludge report for monitoring period ending July 31, 2013.
- d. Within 45 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
  - i. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ001818001, Effluent Limitations and Monitoring Requirements No. 1, including specific corrective actions that were implemented at Facility No. 1 to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations;
  - ii. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples at Facility No. 2 and reporting the results to the ED within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one compliant monitoring period; and
  - iii. Begin submitting DLQORs for Facility No. 2 to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- f. Within 285 days, submit written certification to demonstrate compliance with e.iii.
- g. Within 470 days, submit written certification to demonstrate compliance with e.ii.

***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

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**City of Tenaha**  
**RN102844560 and RN101389039**  
**Docket No. 2014-0195-MLM-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Jason Fraley, Enforcement Division,  
Enforcement Team 3, MC 169, (512) 239-2552; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Orinthia Johnson, Mayor, City of Tenaha, P.O. Box 70,  
Tenaha, Texas 75974

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	27-Jan-2014	<b>Screening</b>	3-Feb-2014	<b>EPA Due</b>	
	<b>PCW</b>	19-Mar-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Tenaha (Facility No. 1)
<b>Reg. Ent. Ref. No.</b>	RN102844560
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	39685	<b>Order Type</b>	Findings
<b>Docket No.</b>	2014-0195-MLM-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Jason Fraley
<b>Multi-Media</b>	Public Water Supply	<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$14,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$6,300
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Notes: Enhancement for one NOV with same/similar violations, and two orders containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$2,010  
 Approx. Cost of Compliance: \$10,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$20,300
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$20,300
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$20,300
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$20,300
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**Screening Date** 3-Feb-2014

**Docket No.** 2014-0195-MLM-E

**PCW**

**Respondent** City of Tenaha (Facility No. 1)

Policy Revision 2 (September 2002)

**Case ID No.** 39685

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102844560

**Media [Statute]** Water Quality

**Enf. Coordinator** Jason Fraley

**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> )	2	40%
	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)** 45%

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

No

**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 two orders containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 1)

Policy Revision 2 (September 2002)

Case ID No. 39685

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102844560

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010818001, Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2010-0778-MWD-E, Ordering Provision No. 2.c.

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on December 12, 2013, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
		Major	Moderate	Minor	
Release	Actual			X	Percent 10%
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutant exceeded levels protective of human health or the environment. Total suspended solids and E. coli were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health and environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 14 1197 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$14,000

Fourteen quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2010-0778-MWD-E to the screening date.

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 \$14,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,010

Violation Final Penalty Total \$20,300

This violation Final Assessed Penalty (adjusted for limits) \$20,300

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 1)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**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
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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)	\$10,000	25-Oct-2010	31-Oct-2014	4.02	\$2,010	n/a	\$2,010

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and make adjustments to the Facility to return to compliance with permitted effluent limitations. Date required is the effective date of TCEQ Agreed Order Docket No. 2010-0778-MWD-E, and the final date is the expected 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**

<b>Approx. Cost of Compliance</b>	\$10,000	<b>TOTAL</b>	\$2,010
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# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

<b>DATES</b>	<b>Assigned</b>	27-Jan-2014	<b>Screening</b>	3-Feb-2014	<b>EPA Due</b>	
	<b>PCW</b>	4-Feb-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Tenaha (Facility No. 1)
<b>Reg. Ent. Ref. No.</b>	RN102844560
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	3
<b>Enf./Case ID No.</b>	39685	<b>Order Type</b>	Findings
<b>Docket No.</b>	2014-0195-MLM-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Jason Fraley
<b>Multi-Media</b>	Public Water Supply	<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$10,500**

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

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

**Compliance History** **45.0%** Enhancement **Subtotals 2, 3, & 7** **\$4,725**

Notes: Enhancement for one NOV with same/similar violations, and two orders containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts: \$37  
 Approx. Cost of Compliance: \$525  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$15,225**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$15,225**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$15,225**

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

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

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$15,225**

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 1)

Policy Revision 3 (September 2011)

Case ID No. 39685

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844560

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

### 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> )	2	40%
	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)** 45%

#### >> Repeat Violator (Subtotal 3)

No

**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 two orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 45%

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 1)

Policy Revision 3 (September 2011)

Case ID No. 39685

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844560

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit discharge monitoring reports ("DMRs") for the monthly monitoring periods ending August 31, 2013 through September 30, 2013, by the 20th day of the following month, as documented during a record review conducted on December 12, 2013.

Base Penalty \$25,000

>> 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

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

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$500

Two 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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$725

This violation Final Assessed Penalty (adjusted for limits) \$725

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 1)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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)	\$50	20-Sep-2013	15-Jan-2014	0.32	\$1	n/a	\$1

**Notes for DELAYED costs**

Estimated cost to prepare and submit the DMRs (\$25 per report). Date required is the date the first DMR was due, and the final date is the date DMRs were submitted. Delayed cost for operational guidance and employee training are addressed in Violation No. 4.

### 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

**TOTAL**

\$1

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 1)

Policy Revision 3 (September 2011)

Case ID No. 39685

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102844560

Media [Statute] Water Quality

Enf. Coordinator Jason Fraley

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17), and TPDES Permit No. WQ0010818001, Sludge Provisions

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013, as documented during a record review conducted on December 12, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
100% of the rule requirement was not met.					

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 126

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

Violation Base Penalty \$1,250

One single events 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 \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,813

This violation Final Assessed Penalty (adjusted for limits) \$1,813

## Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 1)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN102844560  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$50	30-Sep-2013	16-Sep-2014	0.96	\$2	n/a	\$2

#### Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report (\$50 per report) for the monitoring period ending July 31, 2013. Date required is the date the sludge report was due, and the final date is the estimated date of compliance. Delayed cost for operational guidance and conduct employee training are addressed in Violation No. 4.

### 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

**TOTAL** \$2

**Screening Date** 3-Feb-2014  
**Respondent** City of Tenaha (Facility No. 1)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN102844560  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Jason Fraley  
**Violation Number** 3

**Docket No.** 2014-0195-MLM-E

**PCW**

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

**Rule Cite(s)** 30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1  
**Violation Description** Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit DMRs for the monthly monitoring periods ending January 31, 2013 through July 31, 2013, by the 20th day of the following month, as documented during a record review conducted on December 12, 2013.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$23,750

\$1,250

**Violation Events**

Number of Violation Events 7      211 Number of violation days

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

**Violation Base Penalty** \$8,750

Seven 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** \$8,750

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount \$33

**Violation Final Penalty Total** \$12,688

**This violation Final Assessed Penalty (adjusted for limits)** \$12,688

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 1)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN102844560  
**Media Violation No.** Water Quality  
 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)				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	\$250	20-Feb-2013	16-Sep-2014	1.57	\$20	n/a	\$20
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$175	20-Feb-2013	16-Sep-2014	1.57	\$14	n/a	\$14

#### Notes for DELAYED costs

Estimated cost to prepare and submit the DMRs (\$25 per report) and update the Facility's operational guidance and conduct employee training to ensure that all reporting requirements are properly accomplished. Date required is the date the first DMR was due, and 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)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

Approx. Cost of Compliance

\$425

**TOTAL**

\$33



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	27-Jan-2014	Screening	3-Feb-2014	EPA Due	31-Mar-2014
	PCW	4-Feb-2014				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Tenaha (Facility No. 2)		
Reg. Ent. Ref. No.	RN101389039		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	39685	No. of Violations	4
Docket No.	2014-0195-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Jason Fraley
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for five NOVs with same/similar violations, one NOV with dissimilar violations, and one order without a denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts   
Approx. Cost of Compliance   
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 2)

Policy Revision 3 (September 2011)

Case ID No. 39685

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101389039

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

### 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> )	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
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 judgments 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)** 52%

>> 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 five NOVs with same/similar violations, one NOV with dissimilar violations, and one order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 52%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 52%

Screening Date 3-Feb-2014

Docket No. 2014-0195-MLM-E

PCW

Respondent City of Tenaha (Facility No. 2)

Policy Revision 3 (September 2011)

Case ID No. 39685

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101389039

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.122(b)(2)(A) and (b)(3)(A)

Violation Description Failed to provide public notification regarding an exceedence with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") for the second quarter of 2012 through the fourth quarter of 2012. Specifically, public notification was due by November 19, 2012, November 26, 2012, and June 12, 2013, but was not provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 Number of violation days 295

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Estimated EB Amount \$84

Statutory Limit Test

Violation Final Penalty Total \$228

This violation Final Assessed Penalty (adjusted for limits) \$228

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 2)

**Case ID No.** 39685

**Reg. Ent. Reference No.** RN101389039

**Media** Public Water Supply

**Violation No.** 1

**Percent Interest** 5.0 | **Years of Depreciation** 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	16-Dec-2013	19-Jul-2014	0.59	\$3	n/a	\$3
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that public notification is provided and reported to the Executive Director, calculated from the date of the record review 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]	\$75	21-Aug-2012	12-Jun-2013	1.73	\$6	\$75	\$81
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to provide public notification (\$25 per notice), calculated for the period when the public notification was not provided.

**Approx. Cost of Compliance**

\$175

**TOTAL**

\$84

**Screening Date** 3-Feb-2014  
**Respondent** City of Tenaha (Facility No. 2)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN101389039  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Jason Fraley

**Docket No.** 2014-0195-MLM-E

**PCW**

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

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="5.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

mark only one with an x

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

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

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 2)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN101389039  
**Media** Public Water Supply  
**Violation No.** 2

**Percent Interest** 5.0  
**Years of Depreciation** 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	16-Dec-2013	29-Jul-2014	0.62	\$1	n/a	\$1
Training/Sampling	\$100	16-Dec-2013	29-Jul-2014	0.62	\$3	n/a	\$3
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 Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs, calculated from the record review date 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)	\$88	10-Oct-2012	10-Jul-2013	1.67	\$7	\$88	\$95

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x four missed reports), calculated from the date the report was due for the third quarter of 2012 to the date the report was due for the second quarter of 2013.

Approx. Cost of Compliance

\$233

**TOTAL**

\$100

Screening Date 3-Feb-2014  
 Respondent City of Tenaha (Facility No. 2)  
 Case ID No. 39685

Docket No. 2014-0195-MLM-E

PCW

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

Reg. Ent. Reference No. RN101389039  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Jason Fraley

Violation Number   
 Rule Cite(s)   
 Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 2)

**Case ID No.** 39685

**Reg. Ent. Reference No.** RN101389039

**Media** Public Water Supply

**Violation No.** 3

**Percent Interest** 5.0 | **Years of Depreciation** 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)				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

Delayed cost is captured in Violation No. 1.

**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]	\$25	1-May-2013	31-Jul-2013	1.17	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes estimated amount to provide public notification (\$25 per notice), calculated for the period when public notification was not provided.

Approx. Cost of Compliance

\$25

**TOTAL**

\$26

Screening Date 3-Feb-2014  
 Respondent City of Tenaha (Facility No. 2)  
 Case ID No. 39685

Docket No. 2014-0195-MLM-E

PCW

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

Reg. Ent. Reference No. RN101389039  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Jason Fraley

Violation Number

Rule Cite(s)

Violation Description

Failed to collect lead and copper tap samples at the required 10 sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period. Specifically, it was documented that the Respondent did not collect the required lead and copper samples for the January 1, 2010 through December 31, 2012 and January 1, 2013 through December 31, 2013 monitoring periods.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events  Number of violation days

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

Violation Base Penalty

Two single events are recommended, one for each monitoring period.

Good Faith Efforts to Comply

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

# Economic Benefit Worksheet

**Respondent** City of Tenaha (Facility No. 2)  
**Case ID No.** 39685  
**Reg. Ent. Reference No.** RN101389039  
**Media** Public Water Supply  
**Violation No.** 4

**Percent Interest** 5.0  
**Years of Depreciation** 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	16-Dec-2013	29-Jul-2014	0.62	\$3	n/a	\$3
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 implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review 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]	\$600	1-Jan-2010	31-Dec-2013	4.92	\$148	\$600	\$748
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have all lead and copper samples analyzed (\$30 per sample x 10 samples x two monitoring periods), calculated for the monitoring period in which the samples were required.

Approx. Cost of Compliance \$700

**TOTAL** \$751

**City of Tenaha**  
**Docket No. 2014-0195-MLM-E**  
**TPDES Permit No. WQ0010818001**

Monitoring Periods	Permitted Effluent Limits						
	E. coli Single Grab Conc. = 394 CFU/100 mL	Flow Daily Avg. = 0.19 MGD	Ammonia Nitrogen Daily Avg. Conc. = 2 mg/L	Ammonia Nitrogen Single Grab Conc. = 15 mg/L	TSS Daily Avg. Conc. = 15 mg/L	TSS Single Grab Conc. = 60 mg/L	TSS Daily Avg. Loading = 24 lbs/day
October 2010	c	c	c	c	17.75	c	c
November 2010	c	c	c	c	21.8	c	c
December 2010	c	c	c	c	22.2	c	c
February 2011	c	0.54	c	c	c	c	32.0
March 2011	c	c	c	c	c	c	58.0
April 2011	c	c	c	c	16.3	c	c
June 2011	c	c	c	c	22.0	c	c
July 2011	c	c	c	c	26.5	c	c
October 2011	c	c	c	c	17.0	c	c
November 2011	c	c	c	c	53.0	69.0	c
December 2011	c	c	c	c	33.5	c	c
October 2012	c	c	c	c	32.0	77.0	c
November 2012	400.0	c	c	c	21.0	c	c
December 2012	c	c	2.4	c	c	c	c
October 2013	c	c	9.12	25.6	17.5	c	c

lbs/day = pounds per day  
TSS = total suspended solids  
mg/L = milligrams per liter

CFU = Colony Forming Units  
MGD = millions of gallons per day  
Conc. = Concentration

mL = milliliters  
Avg. = Average  
c = compliant



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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600338065, RN102844560, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600338065, City of Tenaha  
**Classification:** SATISFACTORY **Rating:** 39.04

**Regulated Entity:** RN102844560, Tenaha WWTP  
**Classification:** SATISFACTORY **Rating:** 39.04

**Complexity Points:** 4  
**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** LOCATED ADJACENT TO HILLIARD CREEK; APPROXIMATELY 2,400 FEET SOUTH OF UNITED STATES HIGHWAY 84 AND 3,300 FEET EAST OF UNITED STATES HIGHWAY 96 IN SHELBY COUNTY, TEXAS 75974

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**  
**WASTEWATER PERMIT** WQ0010818001 **WASTEWATER EPA ID** TX0069086  
**WASTEWATER AUTHORIZATION** R10818001

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

**Date Compliance History Report Prepared:** February 04, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 04, 2009 to February 04, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Jason Fraley **Phone:** (512) 239-2552

### 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: 10/25/2010 ADMINORDER 2010-0778-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Eff. Limits and Mon. Req. No. 1 PERMIT  
Eff. Limits and Mon. Req. No. 6 PERMIT  
Description: Failed to comply with permitted effluent limitations.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
30 TAC Chapter 319, SubChapter A 319.7(d)  
Rqmt Prov: Mon. and Report. Req. No. 1 PERMIT  
Description: Failed to timely submit monitoring results at the intervals specified in the permit, specifically, DMRs for the

monitoring periods ending September 30, October 31, and November 30, 2009, were not submitted by the 20th day of the following month as required.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:Sludge Reporting Requirements PERMIT

Description: Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2009.

2

Effective Date: 07/02/2011 ADMINORDER 2010-2049-MWD-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(9)(A)

Rqmt Prov:MRR PERMIT

Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitation by more than 40% within five days of becoming aware of the noncompliance.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov:SP PERMIT

Description: Failure to timely submit the Annual Sludge Report for the period ending July 31, 2010.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.3(a)

30 TAC Chapter 317 317.3(e)(5)

30 TAC Chapter 317 317.7(e)

Rqmt Prov:OpR PERMIT

Description: Failure by the City of Tenaha to properly operate and maintain the Facility and all of its systems of treatment and collection. Specifically, Pump No. 2 was clogged; the audio/visual alarm was not operating, and the perimeter fence around the Fallin Place Lift Station was not locked. Additionally, the fence around the Robertson Lift Station had broken strands of barbed wire.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov:OpR PERMIT

Description: Failure by the City of Tenaha to properly operate and maintain the Facility and all of its systems of treatment and collection. Specifically, the Imhoff tank side vents contained vegetation that covered most of the area on the vents, and the center of the Imhoff tank contained an excessive amount of vegetation, debris, and scum.

Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to completely fence the Facility. Specifically, the perimeter fence near Outfall No. 001 was damaged by a fallen tree, failing to protect the Facility from intrusion.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)(1)

Rqmt Prov:Monitoring and Reporting Req. 1 & 3.c.i. PERMIT

Description: Failure to maintain records of the time each sample was collected. Specifically, one collection time was recorded for multiple samples, on the chain of custody forms.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(4)

Rqmt Prov:OpR PERMIT

Description: Failure by the City of Tenaha to properly operate and maintain the Facility and all of its systems of treatment and collection. Specifically, the overflow weirs in the clarifier had debris and scum clogging the weirs and a suitable container with a lid was not provided for bar screenings.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	February 12, 2009	(753086)
Item 2	March 27, 2009	(770643)
Item 3	April 20, 2009	(770644)
Item 4	May 26, 2009	(770645)

Item 5	June 26, 2009	(811701)
Item 6	July 21, 2009	(811702)
Item 7	August 13, 2009	(811703)
Item 8	April 26, 2010	(833304)
Item 9	May 28, 2010	(833306)
Item 10	June 17, 2010	(847024)
Item 11	August 20, 2010	(927568)
Item 12	September 29, 2010	(927567)
Item 13	October 06, 2010	(927569)
Item 14	February 17, 2011	(909935)
Item 15	June 17, 2011	(946245)
Item 16	August 17, 2011	(948441)
Item 17	September 14, 2011	(966199)
Item 18	October 17, 2011	(972216)
Item 19	March 19, 2012	(1004339)
Item 20	April 19, 2012	(1010902)
Item 21	June 15, 2012	(1025062)
Item 22	July 23, 2012	(1032411)
Item 23	September 20, 2012	(1047730)
Item 24	September 24, 2012	(1047731)

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

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

1	Date:	04/25/2013 (1092219)	CN600338065
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
	Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

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## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600338065, RN101389039, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600338065, City of Tenaha **Classification:** SATISFACTORY **Rating:** 39.04

**Regulated Entity:** RN101389039, City of Tenaha **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 318 SOUTH MAIN STREET, TENAHA, SHELBY COUNTY, TEXAS

**TCEQ Region:** REGION 10 - BEAUMONT

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**

2100002

**WATER LICENSING LICENSE** 2100002

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**

2100002

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

**Date Compliance History Report Prepared:** February 04, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 04, 2009 to February 04, 2014

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

**Name:** Jason Fraley

**Phone:** (512) 239-2552

**Site and Owner/Operator History:**

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- 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: 04/07/2013 ADMINORDER 2012-1893-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failed to comply with the MCL of 0.080 mg/L for TTHM, based on the running annual average.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

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

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

- 1 Date: 03/05/2013 (1143863)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: TTHM DBP1 MCL PN 2Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 2nd quarter of 2012.
- 2 Date: 03/26/2013 (1143863)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: TTHM DBP1 MCL PN 3Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 3rd quarter of 2012.
- 3 Date: 06/27/2013 (1143863)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: TTHM DBP1 MCL PN 4Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the 4th quarter of 2012.
- 4 Date: 07/01/2013 (1100257)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
 Description: Failure to have a sanitary control easement for Wells numbers 2, 3, and 4.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
 Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to maintain the concrete sealing block at Well No. 2.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 Description: Failure by the City of Tenaha to have operational records accessible for review during the investigation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)  
 Description: Failure by the City of Tenaha to conduct annual tank inspections on the 80,000 gallon ground storage tank.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)  
 Description: Failure by the City of Tenaha to maintain records of customer complaints.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
 Description: Failure by the City of Tenaha to adopt a service agreement for new customers with provisions for proper enforcement to insure that neither cross connections nor other unacceptable practices are accepted.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)  
 Description: Failure by the City of Tenaha to maintain records of accuracy checks on the chlorine disinfectant analyzer.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)  
 Description: Failure by the City of Tenaha to have a bottle of fresh ammonia solution readily

accessible outside of the chlorinator room and immediately available to the operator in the event of an emergency.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)

Description: Failure by the City of Tenaha to meet the contingency of a granted exception.

Self Report? NO Classification: Minor

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

Description: Failure by the City of Tenaha to have maintenance and housekeeping practices that ensure the good working condition and general appearance of the system's facilities and equipment and to maintain the ground's and facilities in a manner that will minimize the possibility of the harboring of rodents, insects and other disease vectors.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids.

Self Report? NO Classification: Moderate

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

Description: Failure by the City of Tenaha to maintain a gap less than 1/16th of an inch on the overflow of the standpipe.

5 Date: 08/21/2013 (1143863)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: APR/2013 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2013.

6 Date: 11/14/2013 (1143863)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2013 within the required timeline.

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2013 within the required timeline.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF TENAHA  
RN102844560 AND  
RN101389039**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2014-0195-MLM-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Tenaha (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility and a public water supply that has approximately 545 service connections and serves at least 25 people per day for at least 60 days per year at the following locations (the "Facilities"):
  - a. The wastewater treatment facility is located adjacent to Hilliard Creek; approximately 2,400 feet south of United States Highway 84 and 3,300 feet east of United States Highway 96 in Shelby County, Texas 75974 ("Facility No. 1"); and
  - b. The public water supply is located at 318 South Main Street in Tenaha, Shelby County, Texas ("Facility No. 2").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on December 12, 2013, TCEQ staff documented the following exceedances of permitted effluent limits at Facility No. 1, as shown in the table below:

Monitoring Periods	Permitted Effluent Limits						
	E. coli Single Grab Conc. = 394 CFU/100 mL	Flow Daily Avg. = 0.19 MGD	Ammonia Nitrogen Daily Avg. Conc. = 2 mg/L	Ammonia Nitrogen Single Grab Conc. = 15 mg/L	TSS Daily Avg. Conc. = 15 mg/L	TSS Single Grab Conc. = 60 mg/L	TSS Daily Avg. Loading = 24 lbs/day
October 2010	c	c	c	c	17.75	c	c
November 2010	c	c	c	c	21.8	c	c
December 2010	c	c	c	c	22.2	c	c
February 2011	c	0.54	c	c	c	c	32.0
March 2011	c	c	c	c	c	c	58.0
April 2011	c	c	c	c	16.3	c	c
June 2011	c	c	c	c	22.0	c	c
July 2011	c	c	c	c	26.5	c	c
October 2011	c	c	c	c	17.0	c	c
November 2011	c	c	c	c	53.0	69.0	c
December 2011	c	c	c	c	33.5	c	c
October 2012	c	c	c	c	32.0	77.0	c
November 2012	400.0	c	c	c	21.0	c	c
December 2012	c	c	2.4	c	c	c	c
October 2013	c	c	9.12	25.6	17.5	c	c

lbs/day = pounds per day  
CFU = Colony Forming Units  
mL = milliliters  
TSS = total suspended solids  
MGD = millions of gallons per day  
Avg. = Average  
mg/L = milligrams per liter  
Conc. = Concentration  
c = compliant

4. During a record review conducted on December 12, 2013, TCEQ staff documented the Respondent did not timely submit discharge monitoring reports ("DMRs") for Facility No. 1 for the monthly monitoring periods ending August 31, 2013 through September 30, 2013, by the 20th day of the following month.
5. During a record review conducted on December 12, 2013, TCEQ staff documented the Respondent did not submit the annual sludge report for Facility No. 1, for the monitoring period ending July 31, 2013, by September 30, 2013.
6. During a record review conducted on December 12, 2013, TCEQ staff documented the Respondent did not submit DMRs for Facility No. 1, for the monthly monitoring periods ending January 31, 2013 through July 31, 2013, by the 20th day of the following month.
7. During a record review conducted on December 16, 2013, TCEQ staff documented the Respondent did not provide public notification regarding an exceedance with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") for Facility No. 2, that was due by November 19, 2012, November 26, 2012, and June 12, 2013.
8. During a record review conducted on December 16, 2013, TCEQ staff documented the Respondent did not submit Disinfectant Level Quarterly Operating Reports ("DLQORs") for Facility No. 2, for the third quarter of 2012 through the second quarter of 2013.
9. During a record review conducted on December 16, 2013, TCEQ staff documented the Respondent did not provide public notification for failing to conduct routine coliform monitoring for Facility No. 2 for the month of April 2013.
10. During a record review conducted on December 16, 2013, TCEQ staff documented the Respondent did not collect the required lead and copper samples for Facility No. 2 for the January 1, 2010 through December 31, 2012 and January 1, 2013 through December 31, 2013 monitoring periods.
11. The Respondent received the notices of the violations on January 10, 2014, January 21, 2014, and February 3, 2014.
12. The Executive Director recognizes that by January 15, 2014, the Respondent submitted DMRs for the monitoring periods ending August 31, 2013 and September 30, 2013 for Facility No. 1.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits at Facility No. 1, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010818001, Effluent Limitations and Monitoring Requirements No. 1, and TCEQ Agreed Order Docket No. 2010-0778-MWD-E, Ordering Provision No. 2.c.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to timely submit monitoring results at the intervals specified in the permit for Facility No. 1, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2013, by September 30, 2013 for Facility No. 1, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17), and TPDES Permit No. WQ0010818001, Sludge Provisions.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to submit monitoring results at the intervals specified in the permit for Facility No. 1, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1.
6. As evidenced by Findings of Fact No. 7, the Respondent failed to provide public notification regarding an exceedance with the MCL for TTHM for the second quarter of 2012 through the fourth quarter of 2012 for Facility No. 2, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (b)(3)(A).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter for Facility No. 2, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
8. As evidenced by Findings of Fact No. 9, the Respondent failed to provide public notification for the failure to conduct routine coliform monitoring for the month of April 2013 for Facility No. 2, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
9. As evidenced by Findings of Fact No. 10, the Respondent failed to collect lead and copper tap samples at the required 10 sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period for Facility No. 2, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).

10. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of Thirty-Six Thousand Five Hundred Eighty-Nine Dollars (\$36,589) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Thirty-Six Thousand Five Hundred Eighty-Nine Dollar (\$36,589) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Thirty-Six Thousand Five Hundred Eighty-Nine Dollars (\$36,589) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Tenaha, Docket No. 2014-0195-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. The Respondent shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 2, including but not limited to providing public notification regarding the failure to comply with the MCL for TTHM and for the failure to conduct routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122.
  - b. Within 25 days after the effective date 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 No. 2.a.

- c. Within 30 days after the effective date of this Agreed Order:
- i. Update the operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished for Facility No. 2, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
  - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 2, including but not limited to providing public notification regarding the failure to conduct routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - iii. Implement improvements to the process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples for Facility No. 2 are collected, analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
  - iv. Update the operational guidance and conduct employee training to ensure that self-reporting, including the timely submittal of signed and certified monthly DMRs for Facility No. 1, in accordance with TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements No. 1 and Sludge Provisions;
  - v. Submit the DMRs for the monitoring periods ending January 31, 2013 through July 31, 2013, in accordance with TPDES Permit No. WQ0010818001, Monitoring and Reporting Requirements; and
  - vi. Submit the annual sludge report for monitoring period ending July 31, 2013, in accordance with TPDES Permit WQ0010818001, Sludge Provisions.
- d. Within 45 days after the effective date 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. Submit written certification of compliance with the effluent limits of TPDES Permit No. WQ001818001, Effluent Limitations and Monitoring Requirements No. 1, including specific corrective actions that were implemented at Facility No. 1 to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.h. below;
  - ii. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples at Facility No. 2 and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon two compliant monitoring periods; and
  - iii. Begin submitting DLQORs for Facility No. 2 to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarter of compliant reporting. DLQORs shall be submitted to:  
  
DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- f. Within 285 days after the effective date 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 No. 2.e.iii.
- g. Within 470 days after the effective date 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 No. 2.e.ii.

- h. The certifications required by Ordering Provision Nos. 2.b., 2.d., 2.e.i., 2.f. and 2.g. 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  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1892

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 Facilities operations referenced in this Agreed Order.
4. If the Respondent fails to comply with Ordering Provisions Nos. 2.c.iv. through 2.c.vi. in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the 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.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Ron Mowery*

For the Executive Director

8/14/15

Date

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

I understand that by entering into this Agreed Order, City of Tenaha waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

*Dorinda Johnson*  
Signature

4-01-15  
Date

Dorinda Johnson  
Name (Printed or typed)  
Authorized Representative of  
City of Tenaha

MAYOR  
Title

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