

**Executive Summary – Enforcement Matter – Case No. 51185  
City of Three Rivers  
RN101236644  
Docket No. 2015-1320-MLM-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MLM – MSW, PWS

**Small Business:**

No

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

City of Three Rivers PWS, 105 North Harborth Avenue, Three Rivers, Live Oak County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 22, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$8,987

**Amount Deferred for Expedited Settlement:** \$1,796

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

**Total Paid to General Revenue:** \$7,191

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

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** \$41

**Applicable Penalty Policy:** September 2002 and April 2014

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 27, 2015

**Date(s) of NOE(s):** July 27, 2015

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**City of Three Rivers**  
**RN101236644**  
**Docket No. 2015-1320-MLM-E**

***Violation Information***

1. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the standpipe was heavily corroded and delaminated; the ground storage tank located at the water treatment plant had corrosion and nodules on the internal floor plate; the elevated tank located at pressure plane no. 1 had a heavily corroded interior ladder and corrosion on the floor plate; and the automatic valve on the supplemental backwash water line was not operational [30 TEX. ADMIN. CODE § 290.46(m)].
2. Failed to provide each access opening with a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction and when necessary, a gasket that makes a positive seal when the hatch is closed for the Facility's two Wheeler ground storage tanks [30 TEX. ADMIN. CODE § 290.43(c)(2)].
3. Failed to provide the overflow for the Facility's ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, the overflow cover on the Wheeler ground storage tank No. 2 had to be manually closed when opened [30 TEX. ADMIN. CODE § 290.43(c)(3)].
4. Failed to meet the conditions for an issued exception. Specifically, the Respondent was granted an exception to use a disinfectant other than chlorine and did not follow the conditions by failing to monitor and record the ammonia level in the treated water entering the distribution system at least once each week and any time after adjusting either the chlorine or ammonia dosage [30 TEX. ADMIN. CODE § 290.39(l)(4)].
5. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, the chloramine residuals measured by the operator at the McCelvey sample site were between 0.24 mg/L and 0.35 mg/L on seven days in January 2015, seven days in February 2015, seven days in March 2015 and 10 days in April 2015 [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to properly maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, the Facility was not recording the date the dead-end mains were flushed [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iv)].
7. Failed to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system. Specifically, the operator was not following the manufacturer's instructions and/or standard

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**City of Three Rivers**  
**RN101236644**  
**Docket No. 2015-1320-MLM-E**

methods by exceeding the recommended sample holding time for disinfectant residual analysis [30 TEX. ADMIN. CODE § 290.46(s)].

8. Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions. Specifically, the operators had been collecting grab samples only twice a day when the continuous turbidity monitoring equipment malfunctioned on April 10, 2015 and April 21, 2015 [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii)].

9. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, a water line exiting from the Wheeler ground storage tanks was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].

10. Failed to design the recorder so that the operator can accurately determine the value of the readings at the monitoring interval approved by the Executive Director ("ED"). Specifically, the filter span on the individual filter effluent turbidimeters were set at 2.0 nephelometric turbidity units ("NTU") and the combined filter effluent turbidimeters were set at 5.0 NTU instead of the required 3.0 NTU and 6.0 NTU, respectively [30 TEX. ADMIN. CODE § 290.111(f)(3)(D)].

11. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 741 cubic yards of dried water treatment sludge from the Facility's evaporation ponds was disposed of at an unauthorized land application site [30 TEX. ADMIN. CODE § 330.15(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On April 25, 2014, began disposing the Facility's dried water treatment sludge at the Texas Sludge Disposal site which is authorized to accept this type of MSW;
- b. On July 17, 2015, repaired the leaking water line exiting the Wheeler ground storage tanks;
- c. On July 20, 2015, demonstrated that the recorders are designed so that the operator can accurately determine the value of the readings at the monitoring interval approved by the ED on the individual filter effluent and combined filter effluent turbidimeters;

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d. On July 20, 2015, provided the overflow for the Wheeler ground storage tank no. 2 with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch; and

e. On September 18, 2015:

i. Submitted properly developed records of the dates dead-end mains were flushed;

ii. Implemented procedures and conducted employee training to ensure that the required grab sampling is conducted in the event of continuous turbidity monitoring equipment malfunctions;

iii. Purchased testing equipment and conducted employee training to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system; and

iv. Began maintaining a disinfectant residual concentration of at least 0.5 mg/L of total chlorine throughout the distribution system at all times.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days, begin monitoring and recording the ammonia level in the treated water entering the distribution system at least once each week and any time after adjusting either the chlorine or ammonia dosage.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days:

i. Provide each access opening for the Facility's two ground storage tanks with a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction and when necessary, a gasket that makes a positive seal when the hatch is closed; and

ii. Begin initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing the heavily corroded and delaminated standpipe, the corrosion and nodules on the internal floor plate of the ground storage tank located at the water treatment plant, the heavily corroded interior ladder and corrosion on the floor plate of the elevated tank located at pressure plane no. 1 and the automatic valve on the supplemental backwash water line.

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d. Within 75 days, submit written certification to demonstrate compliance with c.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division,  
Enforcement Team 2, MC R-13, (210) 403-4077; Melissa Cordell, Enforcement Division,  
MC 219, (512) 239-2483  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Samuel Garcia, Mayor, City of Three Rivers, P.O. Box  
398, Three Rivers, Texas 78071  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

|              |                     |             |                  |             |                |  |
|--------------|---------------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned PCW</b> | 3-Aug-2015  | <b>Screening</b> | 17-Aug-2015 | <b>EPA Due</b> |  |
|              |                     | 15-Sep-2015 |                  |             |                |  |

|  |                      |                           |       |
|--|----------------------|---------------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                      |                           |       |
| <b>Respondent</b>                      | City of Three Rivers |                           |       |
| <b>Reg. Ent. Ref. No.</b>              | RN101236644          |                           |       |
| <b>Facility/Site Region</b>            | 14-Corpus Christi    | <b>Major/Minor Source</b> | Major |

|                                |                       |                              |                    |
|--------------------------------|-----------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>        |                       | <b>No. of Violations</b>     | 1                  |
| <b>Enf./Case ID No.</b>        | 51185                 | <b>Order Type</b>            | 1660               |
| <b>Docket No.</b>              | 2015-1320-MLM-E       | <b>Government/Non-Profit</b> | Yes                |
| <b>Media Program(s)</b>        | Public Water Supply   | <b>Enf. Coordinator</b>      | Yuliya Dunaway     |
| <b>Multi-Media</b>             | Municipal Solid Waste | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit</b> | <b>Minimum</b>        | \$50                         | <b>Maximum</b>     |
|                                |                       |                              | \$1,000            |

## Penalty Calculation Section

|   |                   |       |
|---|-------------------|-------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$250 |
|---|-------------------|-------|

### 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> | 0.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$0 |
|---------------------------|------------------|--------------------------------|-----|

Notes: No adjustment for compliance history.

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

|  |                   |     |
|--|-------------------|-----|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$0 |
|--|-------------------|-----|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts: \$6,225  
 Estimated Cost of Compliance: \$15,000  
 \*Capped at the Total EB \$ Amount

|                             |                       |       |
|-----------------------------|-----------------------|-------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$250 |
|-----------------------------|-----------------------|-------|

|   |      |                   |     |
|---|------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

|                             |       |
|-----------------------------|-------|
| <b>Final Penalty Amount</b> | \$250 |
|-----------------------------|-------|

|                                   |                               |       |
|-----------------------------------|-------------------------------|-------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$250 |
|-----------------------------------|-------------------------------|-------|

|                 |                 |                   |       |
|-----------------|-----------------|-------------------|-------|
| <b>DEFERRAL</b> | 20.0% Reduction | <b>Adjustment</b> | -\$50 |
|-----------------|-----------------|-------------------|-------|

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

Notes: Deferral offered for expedited settlement.

|                        |       |
|------------------------|-------|
| <b>PAYABLE PENALTY</b> | \$200 |
|------------------------|-------|

Screening Date 17-Aug-2015

Docket No. 2015-1320-MLM-E

PCW

Respondent City of Three Rivers

Policy Revision 2 (September 2002)

Case ID No. 51185

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101236644

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

### 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> )  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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%      |
| <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)** 0%

#### >> 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

No adjustment for compliance history.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yullya Dunaway  
**Violation Number**

**Docket No.** 2015-1320-MLM-E

**PCW**

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**Rule Cite(s)**

30 Tex. Admin. Code § 290.46(m)

**Violation Description**

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the automatic valve on the supplemental backwash water line was not operational.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

**Number of Violation Events**

**Number of violation days**

mark only one with an x

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

**Violation Base Penalty**

One quarterly event is recommended, calculated from the date of the investigation, May 27, 2015, to the date of screening, August 17, 2015.

**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 checked="" type="checkbox"/> | (mark with x)                 |

**Notes**

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

# Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 1

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

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

**Delayed Costs**

|                          | Item Cost | Date Required | Final Date  | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|------|----------------|---------------|-----------|
| Equipment                | \$15,000  | 11-May-2010   | 13-Apr-2016 | 5.93 | \$296          | \$5,929       | \$6,225   |
| Buildings                |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)        |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Engineering/Construction |           |               |             | 0.00 | \$0            | \$0           | \$0       |
| Land                     |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.00 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.00 | \$0            | n/a           | \$0       |

**Notes for DELAYED costs**

The delayed costs include the estimated amount to repair the automatic valve on the supplemental backwash water line, calculated from the date of the investigation the violation was initially documented to the estimated date of compliance.

**Avoided Costs**

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

|                               | Item Cost | Date Required | Final Date | Yrs  | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|------|----------------|---------------|-----------|
| Disposal                      |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Personnel                     |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Inspection/Reporting/Sampling |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Supplies/Equipment            |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Financial Assurance [2]       |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| ONE-TIME avoided costs [3]    |           |               |            | 0.00 | \$0            | \$0           | \$0       |
| Other (as needed)             |           |               |            | 0.00 | \$0            | \$0           | \$0       |

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$15,000

**TOTAL**

\$6,225



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 3-Aug-2015  | <b>Screening</b> | 17-Aug-2015 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 15-Sep-2015 |                  |             |                |  |

|  |                      |
|--|----------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                      |
| <b>Respondent</b>                      | City of Three Rivers |
| <b>Reg. Ent. Ref. No.</b>              | RN101236644          |
| <b>Facility/Site Region</b>            | 14-Corpus Christi    |
| <b>Major/Minor Source</b>              | Major                |

|  |                       |                              |                    |
|--|-----------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                       | <b>No. of Violations</b>     | 10                 |
| <b>Enf./Case ID No.</b>                | 51185                 | <b>Order Type</b>            | 1660               |
| <b>Docket No.</b>                      | 2015-1320-MLM-E       | <b>Government/Non-Profit</b> | Yes                |
| <b>Media Program(s)</b>                | Public Water Supply   | <b>Enf. Coordinator</b>      | Yuliya Dunaway     |
| <b>Multi-Media</b>                     | Municipal Solid Waste | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$50                  | <b>Maximum</b>               | \$1,000            |

## Penalty Calculation Section

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

### 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

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

Notes

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

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

Total EB Amounts   
Estimated 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

**PAYABLE PENALTY**

**Screening Date** 17-Aug-2015

**Docket No.** 2015-1320-MLM-E

**PCW**

**Respondent** City of Three Rivers

Policy Revision 4 (April 2014)

**Case ID No.** 51185

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101236644

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

**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> )  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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)** 0%

>> **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**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

Screening Date 17-Aug-2015

Docket No. 2015-1320-MLM-E

PCW

Respondent City of Three Rivers

Policy Revision 4 (April 2014)

Case ID No. 51185

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644

Media [Statute] Public Water Supply

Enf. Coordinator Yuliy Dunaway

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the standpipe was heavily corroded and delaminated; the ground storage tank located at the water treatment plant had corrosion and nodules on the internal floor plate; and the elevated tank located in pressure plane no. 1 had a heavily corroded interior ladder and corrosion on the floor plate.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 15.0%   |
|    | Potential |       | x        |       |         |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm  |          |       | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               | Major | Moderate | Minor |         |
|              |               |       |          |       | 0.0%    |

Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3 82 Number of violation days

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

Violation Base Penalty \$450

Three quarterly events are recommended (one per piece of equipment), calculated from the date of the investigation, May 27, 2015, to the date of screening, August 17, 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$309

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

# Economic Benefit Worksheet

**Respondent** City of Three Rivers

**Case ID No.** 51185

**Reg. Ent. Reference No.** RN101236644

**Media** Public Water Supply

**Violation No.** 1

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

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

No commas or \$

**Delayed Costs**

|                          |         |             |             |      |      |       |       |
|--------------------------|---------|-------------|-------------|------|------|-------|-------|
| Equipment                |         |             |             | 0.00 | \$0  | \$0   | \$0   |
| Buildings                |         |             |             | 0.00 | \$0  | \$0   | \$0   |
| Other (as needed)        | \$5,000 | 27-May-2015 | 13-Apr-2016 | 0.88 | \$15 | \$294 | \$309 |
| Engineering/Construction |         |             |             | 0.00 | \$0  | \$0   | \$0   |
| Land                     |         |             |             | 0.00 | \$0  | n/a   | \$0   |
| Record Keeping System    |         |             |             | 0.00 | \$0  | n/a   | \$0   |
| Training/Sampling        |         |             |             | 0.00 | \$0  | n/a   | \$0   |
| Remediation/Disposal     |         |             |             | 0.00 | \$0  | n/a   | \$0   |
| Permit Costs             |         |             |             | 0.00 | \$0  | n/a   | \$0   |
| Other (as needed)        |         |             |             | 0.00 | \$0  | n/a   | \$0   |

**Notes for DELAYED costs**

The delayed costs include the estimated amount to repair the Facility's ground and elevated storage tanks and the standpipe, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$5,000

**TOTAL**

\$309

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185

**Docket No.** 2015-1320-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

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

30 Tex. Admin. Code § 290.43(c)(2)

**Violation Description**

Failed to provide each access opening with a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction and when necessary, a gasket that makes a positive seal when the hatch is closed for the Facility's two Wheeler ground storage tanks.

**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"/> | <input type="text" value="15.0%"/> |
| Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <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 provide a proper access opening for the Facility's two ground storage tanks could result in pollution of the water supply, exposing customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Two quarterly events are recommended (one per piece of equipment), calculated from the date of the investigation, May 27, 2015, to the date of screening, August 17, 2015.

**Good Faith Efforts to Comply**

Reduction

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

Notes

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

**Violation Subtotal**

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

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

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

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 2

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

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

No commas or \$

**Delayed Costs**

|                          |       |            |             |      |     |       |       |
|--------------------------|-------|------------|-------------|------|-----|-------|-------|
| Equipment                |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Buildings                |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Other (as needed)        |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Engineering/Construction | \$400 | 6-Jun-2012 | 13-Apr-2016 | 3.85 | \$5 | \$103 | \$108 |
| Land                     |       |            |             | 0.00 | \$0 | n/a   | \$0   |
| Record Keeping System    |       |            |             | 0.00 | \$0 | n/a   | \$0   |
| Training/Sampling        |       |            |             | 0.00 | \$0 | n/a   | \$0   |
| Remediation/Disposal     |       |            |             | 0.00 | \$0 | n/a   | \$0   |
| Permit Costs             |       |            |             | 0.00 | \$0 | n/a   | \$0   |
| Other (as needed)        |       |            |             | 0.00 | \$0 | n/a   | \$0   |

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a proper access opening for the Facility's two ground storage tanks, calculated from the investigation date initially documenting the violation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$108

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yullya Dunaway

**Docket No.** 2015-1320-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

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

30 Tex. Admin. Code § 290.43(c)(3)

**Violation Description**

Failed to provide the overflow for the Facility's ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch. Specifically, the overflow cover on the Wheeler ground storage tank no. 2 had to be manually closed when opened.

**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="7.0%"/> |
|    | Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |                                   |

**>> Programmatic Matrix**

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               |       |          |       |         |

Matrix Notes

Failure to provide the overflow with a gravity-hinged and weighted cover could expose the customers of the Facility to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

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

Notes: The Respondent achieved compliance on July 20, 2015.

**Violation Subtotal**

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

**Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

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

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 3

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

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

No commas or \$

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | \$100 | 27-May-2015 | 20-Jul-2015 | 0.15 | \$0 | \$1 | \$1 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount to ensure the gravity-hinged and weighted cover fits tightly and the gap is less than 1/16 inch, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Screening Date 17-Aug-2015  
 Respondent City of Three Rivers  
 Case ID No. 51185

Docket No. 2015-1320-MLM-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Yuliya Dunaway

Violation Number   
 Rule Cite(s)

30 Tex. Admin. Code § 290.39(l)(4)

Violation Description

Failed to meet the conditions for an Issued exception. Specifically, the Respondent was granted an exception to use a disinfectant other than chlorine and did not follow the conditions by failing to monitor and record the ammonia level in the treated water entering the distribution system at least once each week and any time after adjusting either the chlorine or ammonia dosage.

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="15.0%"/> |
|    | Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <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 monitor and record the ammonia level in the water entering the distribution system could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

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

Violation Base Penalty

One quarterly event is recommended, calculated from the investigation date, May 27, 2015, to the date of screening, August 17, 2015.

Good Faith Efforts to Comply

Reduction   
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

|               |                                     |                      |
|---------------|-------------------------------------|----------------------|
| Extraordinary | <input type="text"/>                | <input type="text"/> |
| Ordinary      | <input type="text"/>                | <input type="text"/> |
| N/A           | <input checked="" type="checkbox"/> | (mark with x)        |

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 4

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

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

|                               |       |             |             |      |     |       |       |
|-------------------------------|-------|-------------|-------------|------|-----|-------|-------|
| Disposal                      |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling | \$260 | 16-Feb-2015 | 17-Aug-2015 | 0.50 | \$6 | \$130 | \$136 |
| Supplies/Equipment            |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    |       |             |             | 0.00 | \$0 | \$0   | \$0   |
| Other (as needed)             |       |             |             | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct weekly ammonia level monitoring in the treated water entering the distribution system (\$5 per week x 52 weeks, annualized), calculated from the date the violation occurred to the date of screening.

Approx. Cost of Compliance \$260

**TOTAL** \$136

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185

**Docket No.** 2015-1320-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 5

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

**Violation Description**

Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, the chloramine residuals measured by the operator at the McCelvey sample site were between 0.24 mg/L and 0.35 mg/L on seven days in January 2015, seven days in February 2015, seven days in March 2015 and 10 days in April 2015.

**Base Penalty** \$1,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 15.0%   |
|    | Potential |       | x        |       |         |

**>> Programmatic Matrix**

| Matrix Notes  | Falsification | Harm  |          |       | Percent |
|---|---------------|-------|----------|-------|---------|
|   |               | Major | Moderate | Minor |         |
|   |               |       |          |       | 0.0%    |
| Failure to maintain proper levels of disinfection could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health. |               |       |          |       |         |

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$300

Two quarterly events are recommended, calculated from the first date the low disinfectant residual occurred, January 5, 2015, to the last date the low disinfectant residual occurred, April 29, 2015.

**Good Faith Efforts to Comply**

Reduction

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

**Notes** The Respondent achieved compliance on September 18, 2015.

**Violation Subtotal** \$270

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

**Statutory Limit Test**

**Estimated EB Amount** \$106

**Violation Final Penalty Total** \$270

**This violation Final Assessed Penalty (adjusted for limits)** \$270

# Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 5

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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        |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |  |  |  | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |  |  |  | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

**Avoided Costs**

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

|                               |       |            |             |      |     |       |       |
|-------------------------------|-------|------------|-------------|------|-----|-------|-------|
| Disposal                      |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Supplies/Equipment            |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$100 | 5-Jan-2015 | 29-Apr-2015 | 1.23 | \$6 | \$100 | \$106 |
| Other (as needed)             |       |            |             | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional maintenance and oversight to ensure an adequate disinfection residual is maintained throughout the distribution system, calculated for the dates the low disinfectant residual was documented.

Approx. Cost of Compliance \$100

**TOTAL** \$106

Screening Date 17-Aug-2015

Docket No. 2015-1320-MLM-E

PCW

Respondent City of Three Rivers

Policy Revision 4 (April 2014)

Case ID No. 51185

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s)

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

Violation Description

Failed to properly maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation. Specifically, it was documented that the Facility was not recording the date the dead end mains were flushed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Harm  |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          | x     |

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

82 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$1

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

Notes

The Respondent achieved compliance on September 18, 2015.

Violation Subtotal \$9

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$9

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

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 6

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

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

No commas or \$

**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    | \$45 | 27-May-2015 | 18-Sep-2015 | 0.31 | \$1 | n/a | \$1 |
| Training/Sampling        |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |      |             |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs: The delayed costs include the estimated amount to properly develop records of the dates that the dead end mains were flushed (\$45 per record), calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance \$45

TOTAL \$1

Screening Date 17-Aug-2015  
 Respondent City of Three Rivers  
 Case ID No. 51185

Docket No. 2015-1320-MLM-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Yuliya Dunaway

Violation Number   
 Rule Cite(s)

Violation Description

Failed to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system. Specifically, the operator was not following the manufacturer's instructions and/or standard methods by exceeding the recommended holding time for disinfectant residual analysis.

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"/> | <input type="text" value="15.0%"/> |
| Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <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 properly operate the testing equipment could cause inaccurate data collection and prevent detection of disinfectant residual problems, thus exposing customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

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

Violation Base Penalty

One quarterly event is recommended, calculated from the date of the investigation, May 27, 2015, to the date of screening, August 17, 2015.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondent achieved compliance on September 18, 2015.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 7

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

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

No commas or \$

**Delayed Costs**

|                          |      |             |             |      |     |     |     |
|--------------------------|------|-------------|-------------|------|-----|-----|-----|
| Equipment                |      |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |      |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        | \$20 | 27-May-2015 | 18-Sep-2015 | 0.31 | \$0 | \$0 | \$0 |
| Engineering/Construction |      |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |      |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |      |             |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount to purchase testing equipment and conduct employee training to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$20

TOTAL \$0

Screening Date 17-Aug-2015  
 Respondent City of Three Rivers  
 Case ID No. 51185

Docket No. 2015-1320-MLM-E

PCW

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Yuliya Dunaway

Violation Number 8

Rule Cite(s) 30 Tex. Admn. Code § 290.111(e)(5)(C)(iii)

Violation Description

Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions. Specifically, the operators had been collecting grab samples only twice a day when the continuous turbidity monitoring equipment malfunctioned on April 10, 2015 and April 21, 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR        | Release | Harm  |          |       | Percent |
|-----------|---------|-------|----------|-------|---------|
|           |         | Major | Moderate | Minor |         |
| Actual    |         |       |          |       | 30.0%   |
| Potential | x       |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0.0%    |

Matrix Notes

Failure to continuously monitor the turbidity could result in customers of the Facility being exposed to contaminants that would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 2

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

Violation Base Penalty \$600

Two single events are recommended (one for each day of deficient sampling).

Good Faith Efforts to Comply

10.0%

Reduction \$60

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

Notes

The Respondent achieved compliance on September 18, 2015.

Violation Subtotal \$540

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$540

This violation Final Assessed Penalty (adjusted for limits) \$540

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 8

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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        | \$100 | 27-May-2015 | 18-Sep-2015 | 0.31 | \$2 | n/a | \$2 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount to implement procedures and conduct employee training to ensure that the required grab sampling is conducted in the event of continuous turbidity monitoring equipment malfunctions, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

|                               |      |             |             |      |     |      |      |
|-------------------------------|------|-------------|-------------|------|-----|------|------|
| Disposal                      |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Personnel                     |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Inspection/Reporting/Sampling |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Supplies/Equipment            |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| Financial Assurance [2]       |      |             |             | 0.00 | \$0 | \$0  | \$0  |
| ONE-TIME avoided costs [3]    | \$40 | 10-Apr-2015 | 21-Apr-2015 | 0.00 | \$0 | \$40 | \$40 |
| Other (as needed)             |      |             |             | 0.00 | \$0 | \$0  | \$0  |

Notes for AVOIDED costs

The avoided costs include the estimated amount to perform grab sampling in the event of continuous turbidity monitoring equipment malfunctions (\$5 per sample x four missed samples per day x two days), calculated for the time frame the sampling was not conducted.

Approx. Cost of Compliance \$140

TOTAL \$42

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Docket No.** 2015-1320-MLM-E

**PCW**

Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, a water line exiting the Wheeler ground storage tanks was leaking.

**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="15.0%"/> |
|    | Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> |                                    |

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

**Number of Violation Events**   **Number of violation days**

*mark only one with an x*

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

**Reduction**

Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer

|               |                                     |                      |
|---------------|-------------------------------------|----------------------|
| Extraordinary | <input type="text"/>                | <input type="text"/> |
| Ordinary      | <input checked="" type="checkbox"/> | <input type="text"/> |
| N/A           | <input type="text"/>                | (mark with x)        |

**Notes**

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Public Water Supply  
**Violation No.** 9

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

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

No commas or \$

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        | \$200 | 27-May-2015 | 17-Jul-2015 | 0.14 | \$0 | \$2 | \$2 |
| Engineering/Construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the leaking water line exiting the Wheeler ground storage tanks, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$2

**Screening Date** 17-Aug-2015  
**Respondent** City of Three Rivers  
**Case ID No.** 51185

**Docket No.** 2015-1320-MLM-E

**PCW**

*Policy Revision 4 (April 2014)  
 PCW Revision March 26, 2014*

**Reg. Ent. Reference No.** RN101236644  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 10

**Rule Cite(s)** 30 Tex. Admin. Code § 290.111(f)(3)(D)

**Violation Description**

Failed to design the recorder so that the operator can accurately determine the value of the readings at the monitoring interval approved by the Executive Director. Specifically, the filter span on the individual filter effluent turbidimeters were set at 2.0 nephelometric turbidity units ("NTU") and the combined filter effluent turbidimeters were set at 5.0 NTU instead of the required 3.0 NTU and 6.0 NTU, respectively.

**Base Penalty** \$1,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 15.0%   |
|    | Potential |       | X        |       |         |

**>> Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 0.0%    |

Matrix Notes

Failing to design the recorder so the operator can accurately determine the value of the readings at the approved monitoring interval could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events 1 54 Number of violation days

|                                |              |   |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily        |   |
|                                | weekly       |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

**Violation Base Penalty** \$150

One quarterly event is recommended, calculated from the date of the investigation, May 27, 2015, to the date of compliance, July 20, 2015.

**Good Faith Efforts to Comply**

25.0%

Reduction

\$37

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

Notes: The Respondent achieved compliance on July 20, 2015.

**Violation Subtotal** \$113

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

**Statutory Limit Test**

**Estimated EB Amount** \$5

**Violation Final Penalty Total** \$113

**This violation Final Assessed Penalty (adjusted for limits)** \$113

## Economic Benefit Worksheet

**Respondent** City of Three Rivers

**Case ID No.** 51185

**Reg. Ent. Reference No.** RN101236644

**Media** Public Water Supply

**Violation No.** 10

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

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

No commas or \$

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                | \$500 | 27-May-2015 | 20-Jul-2015 | 0.15 | \$0 | \$5 | \$5 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | n/a | \$0 |

**Notes for DELAYED costs**

The delayed costs include the estimated amount to design a recorder to accurately determine the value of the readings at the monitoring interval for the individual filter effluent turbidimeters and combined filter effluent turbidimeters, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$5



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

|              |                     |            |                  |             |                |  |
|--------------|---------------------|------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned PCW</b> | 3-Aug-2015 | <b>Screening</b> | 17-Aug-2015 | <b>EPA Due</b> |  |
|--------------|---------------------|------------|------------------|-------------|----------------|--|

|  |                      |
|--|----------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                      |
| <b>Respondent</b>                      | City of Three Rivers |
| <b>Reg. Ent. Ref. No.</b>              | RN101236644          |
| <b>Facility/Site Region</b>            | 14-Corpus Christi    |
| <b>Major/Minor Source</b>              | Minor                |

|  |                       |                              |                    |
|--|-----------------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                       |                              |                    |
| <b>Enf./Case ID No.</b>                | 51185                 | <b>No. of Violations</b>     | 1                  |
| <b>Docket No.</b>                      | 2015-1320-MLM-E       | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Municipal Solid Waste | <b>Government/Non-Profit</b> | Yes                |
| <b>Multi-Media</b>                     | Public Water Supply   | <b>Enf. Coordinator</b>      | Yuliya Dunaway     |
|  |                       | <b>EC's Team</b>             | Enforcement Team 2 |
| <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** **\$8,750**

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

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

**Compliance History** **0.0%** Enhancement **Subtotals 2, 3, & 7** **\$0**

Notes: No adjustment for compliance history.

**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** **-\$2,187**

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

Total EB Amounts: \$16,696  
Estimated Cost of Compliance: \$14,820  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$6,563**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$6,563**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$6,563**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$1,312**

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$5,251**

Screening Date 17-Aug-2015

Docket No. 2015-1320-MLM-E

PCW

Respondent City of Three Rivers

Policy Revision 4 (April 2014)

Case ID No. 51185

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644

Media [Statute] Municipal Solid Waste

Enf. Coordinator Yuliya Dunaway

### 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> )  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of 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%      |
| <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)** 0%

>> 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** No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

Screening Date 17-Aug-2015

Docket No. 2015-1320-MLM-E

PCW

Respondent City of Three Rivers

Policy Revision 4 (April 2014)

Case ID No. 51185

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101236644

Media [Statute] Municipal Solid Waste

Enf. Coordinator Yullya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(c)

Violation Description The Respondent caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste ("MSW"). Specifically, approximately 741 cubic yards of dried water treatment sludge from the Facility's evaporation ponds was disposed of at an unauthorized land application site.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

|           |         |       |          |         |       |
|-----------|---------|-------|----------|---------|-------|
| OR        | Harm    |       |          | Percent |       |
|           | Release | Major | Moderate |         | Minor |
|           | Actual  |       |          |         | X     |
| Potential |         |       |          | 5.0%    |       |

>> Programmatic Matrix

|              |               |          |       |         |
|--------------|---------------|----------|-------|---------|
| Matrix Notes | Falsification |          |       | Percent |
|              | Major         | Moderate | Minor |         |
|              |               |          |       |         |
|              |               |          |       | 0.0%    |

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 7 Number of violation days 588

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

Violation Base Penalty \$8,750

Seven quarterly events are recommended, calculated from the date of the first unauthorized disposal, September 13, 2012, to the date of compliance, April 25, 2014.

Good Faith Efforts to Comply

25.0%

Reduction \$2,187

|               |                |                                    |
|---------------|----------------|------------------------------------|
|               | Before NOE/NOV | NOE/NOV to EDP RP/Settlement Offer |
| Extraordinary |                |                                    |
| Ordinary      | X              |                                    |
| N/A           |                | (mark with x)                      |

Notes The Respondent achieved compliance as of April 25, 2014.

Violation Subtotal \$6,563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16,696

Violation Final Penalty Total \$6,563

This violation Final Assessed Penalty (adjusted for limits) \$6,563

# Economic Benefit Worksheet

**Respondent** City of Three Rivers  
**Case ID No.** 51185  
**Reg. Ent. Reference No.** RN101236644  
**Media** Municipal Solid Waste  
**Violation No.** 1

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

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

No commas or \$

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

|                                   |                 |                    |                    |             |                |                 |                 |
|-----------------------------------|-----------------|--------------------|--------------------|-------------|----------------|-----------------|-----------------|
| Disposal                          |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |
| Personnel                         |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |
| Inspection/Reporting/Sampling     |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |
| Supplies/Equipment                |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |
| Financial Assurance [2]           |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |
| <b>ONE-TIME avoided costs [3]</b> | <b>\$14,820</b> | <b>13-Sep-2012</b> | <b>25-Apr-2014</b> | <b>2.53</b> | <b>\$1,876</b> | <b>\$14,820</b> | <b>\$16,696</b> |
| Other (as needed)                 |                 |                    |                    | 0.00        | \$0            | \$0             | \$0             |

Notes for AVOIDED costs

The avoided costs include the estimated amount to properly dispose of approximately 741 cubic yards of dried water treatment sludge at an authorized facility, calculated from the first date of the violation to the date of compliance.

Approx. Cost of Compliance

\$14,820

**TOTAL**

\$16,696



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600739213, RN101236644, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

|   |  |                                       |                     |
|---|--|---------------------------------------|---------------------|
| <b>Customer, Respondent, or Owner/Operator:</b> | CN600739213, City of Three Rivers                        | <b>Classification:</b> SATISFACTORY   | <b>Rating:</b> 0.23 |
| <b>Regulated Entity:</b>                        | RN101236644, CITY OF THREE RIVERS<br>PUBLIC WATER SUPPLY | <b>Classification:</b> NOT APPLICABLE | <b>Rating:</b> N/A  |
| <b>Complexity Points:</b>                       | N/A  | <b>Repeat Violator:</b>               | N/A                 |
| <b>CH Group:</b>                                | 14 - Other   |                                       |                     |
| <b>Location:</b>                                | 105 N HARBORTH AVE IN THREE RIVERS, LIVE OAK COUNTY, TX  |                                       |                     |
| <b>TCEQ Region:</b>                             | REGION 14 - CORPUS CHRISTI                               |                                       |                     |
| <b>ID Number(s):</b>                            | PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1490002          |                                       |                     |

|  |                                       |                     |      |                     |            |
|--|---------------------------------------|---------------------|------|---------------------|------------|
| <b>Compliance History Period:</b>                    | September 01, 2009 to August 31, 2014 | <b>Rating Year:</b> | 2014 | <b>Rating Date:</b> | 09/01/2014 |
| <b>Date Compliance History Report Prepared:</b>      | August 17, 2015                       |                     |      |                     |            |
| <b>Agency Decision Requiring Compliance History:</b> | Enforcement                           |                     |      |                     |            |
| <b>Component Period Selected:</b>                    | August 17, 2010 to August 17, 2015    |                     |      |                     |            |

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

**Name:** Yuliya Dunaway **Phone:** (210) 403-4077

**Site and Owner/Operator History:**

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

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

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

N/A

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

**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.

N/A

**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 THREE RIVERS  
RN101236644**

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

## **AGREED ORDER DOCKET NO. 2015-1320-MLM-E**

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

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Three Rivers ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 341 and 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 105 North Harborth Avenue in Three Rivers, Live Oak County, Texas (the "Facility") that has approximately 1,515 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Facility involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on July 29, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Nine Hundred Eighty-Seven Dollars (\$8,987) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand One Hundred Ninety-One Dollars (\$7,191) of the administrative penalty and One Thousand Seven Hundred Ninety-Six Dollars (\$1,796) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. On April 25, 2014, began disposing the Facility's dried water treatment sludge at the Texas Sludge Disposal site which is authorized to accept this type of MSW;
  - b. On July 17, 2015, repaired the leaking water line exiting the Wheeler ground storage tanks;
  - c. On July 20, 2015, demonstrated that the recorders are designed so that the operator can accurately determine the value of the readings at the monitoring interval approved by the Executive Director on the individual filter effluent and combined filter effluent turbidimeters;
  - d. On July 20, 2015, provided the overflow for the Wheeler ground storage tank no. 2 with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch; and
  - e. On September 18, 2015:
    - i. Submitted properly developed records of the dates dead-end mains were flushed;
    - ii. Implemented procedures and conducted employee training to ensure that the required grab sampling is conducted in the event of continuous turbidity monitoring equipment malfunctions;
    - iii. Purchased testing equipment and conducted employee training to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system; and

- iv. Began maintaining a disinfectant residual concentration of at least 0.5 milligrams per liter ("mg/L") of total chlorine throughout the distribution system at all times.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on May 27, 2015. Specifically, the standpipe was heavily corroded and delaminated; the ground storage tank located at the water treatment plant had corrosion and nodules on the internal floor plate; the elevated tank located at pressure plane no. 1 had a heavily corroded interior ladder and corrosion on the floor plate; and the automatic valve on the supplemental backwash water line was not operational.
2. Failed to provide each access opening with a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction and when necessary, a gasket that makes a positive seal when the hatch is closed for the Facility's two Wheeler ground storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2), as documented during an investigation conducted on May 27, 2015.
3. Failed to provide the overflow for the Facility's ground storage tank with a gravity-hinged and weighted cover that fits tightly with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3), as documented during an investigation conducted on May 27, 2015. Specifically, the overflow cover on the Wheeler ground storage tank No. 2 had to be manually closed when opened.
4. Failed to meet the conditions for an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(4), as documented during an investigation conducted on May 27, 2015. Specifically, the Respondent was granted an exception to use a disinfectant other than chlorine and did not follow the conditions by failing to monitor and record the ammonia level in the treated water entering the distribution system at least once each week and any time after adjusting either the chlorine or ammonia dosage.

5. Failed to maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 27, 2015. Specifically, the chloramine residuals measured by the operator at the McCelvey sample site were between 0.24 mg/L and 0.35 mg/L on seven days in January 2015, seven days in February 2015, seven days in March 2015 and 10 days in April 2015.
6. Failed to properly maintain water works operation and maintenance records and make them available for review to Commission personnel during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iv), as documented during an investigation conducted on May 27, 2015. Specifically, the Facility was not recording the date the dead-end mains were flushed.
7. Failed to ensure that accurate testing equipment or some other means of monitoring the effectiveness of any chemical treatment process is used by the system, in violation of 30 TEX. ADMIN. CODE § 290.46(s), as documented during an investigation conducted on May 27, 2015. Specifically, the operator was not following the manufacturer's instructions and/or standard methods by exceeding the recommended sample holding time for disinfectant residual analysis.
8. Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii), as documented during an investigation conducted on May 27, 2015. Specifically, the operators had been collecting grab samples only twice a day when the continuous turbidity monitoring equipment malfunctioned on April 10, 2015 and April 21, 2015.
9. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on May 27, 2015. Specifically, a water line exiting from the Wheeler ground storage tanks was leaking.
10. Failed to design the recorder so that the operator can accurately determine the value of the readings at the monitoring interval approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.111(f)(3)(D), as documented during an investigation conducted on May 27, 2015. Specifically, the filter span on the individual filter effluent turbidimeters were set at 2.0 nephelometric turbidity units ("NTU") and the combined filter effluent turbidimeters were set at 5.0 NTU instead of the required 3.0 NTU and 6.0 NTU, respectively.
11. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(c), as documented during an investigation conducted on May 27, 2015. Specifically, approximately 741 cubic yards of dried water treatment sludge from the Facility's evaporation ponds was disposed of at an unauthorized land application site.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Three Rivers, Docket No. 2015-1320-MLM-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, begin monitoring and recording the ammonia level in the treated water entering the distribution system at least once each week and any time after adjusting either the chlorine or ammonia dosage, in accordance with 30 TEX. ADMIN. CODE § 290.110;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Agreed Order:
    - i. Provide each access opening for the Facility's two ground storage tanks with a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction and when necessary, a gasket that makes a positive seal when the hatch is closed, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
    - ii. Begin initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including but not limited to repairing the heavily corroded and delaminated standpipe, the corrosion and nodules on the internal floor plate of the ground storage tank located at the water

treatment plant, the heavily corroded interior ladder and corrosion on the floor plate of the elevated tank located at pressure plane no. 1 and the automatic valve on the supplemental backwash water line, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i. and 2.c.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

*Pamela Marie J*  
For the Executive Director

5/16/16  
Date

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

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

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

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

*Sam Garcia*  
Signature

April 14, 2016

Date

Sam Garcia  
Name (Printed or typed)  
Authorized Representative of  
City of Three Rivers

Mayor of the City of Three Rivers  
Title

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