

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47278
City of Douglassville
RN101388437
Docket No. 2019-0676-MLM-E

Page 1 of 3

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS and UTL

Small Business:

No

Location Where Violation) Occurred:

intersection of State Highway 8 and State Highway 77, Douglassville, Cass County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes; 2023-1475-PWS-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: February 28, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$13,904

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Supplemental Environmental Project

("SEP") Conditional Offset: \$13,904

Name of SEP: PWS Interconnect; Cass County

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014 (PCW 1); January 28, 2021 (PCW 2)

Investigation Information

Complaint Date(s): N/A

Dates of Investigation: February 25, 2019; September 9, 2022

Dates of NOV's: July 7, 2020; February 25, 2021; July 26, 2022

Dates of NOEs: April 26, 2019; September 9, 2022

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Violation Information

1. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iii), (f)(3)(D)(i), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E Ordering Provision No. 2.a.i.].
2. Failed to inspect the interior surface of a pressure tank provided with an inspection port every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.ii.].
3. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.v.].
4. Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association standards [30 TEX. ADMIN. CODE § 290.43(c)(8) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.i.].
5. Failed to provide a device to readily determine the air-water-volume for the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.ii.].
6. Failed to provide a primary roof access opening of not less than 30 inches in diameter if an alternative 30-inch diameter access opening is not provided in the Facility's ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(2) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.ii.].
7. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility [30 TEX. ADMIN. CODE § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.iii.].
8. Failed to locate the Facility's well at least 150 feet away from an underground petroleum storage tank [30 TEX. ADMIN. CODE § 290.41(c)(1)(A) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.g.].
9. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iii), (f)(3)(A)(vi), and (f)(3)(D)(ii)].
10. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
11. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
12. Failed to provide all water storage tanks with a liquid level indicator calibrated in feet of water located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
13. Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by the PWS conform to the American National Standards Institute/National Sanitation Foundation Standard 60 for Drinking Water Treatment Chemicals [30 TEX. ADMIN. CODE § 290.42(j)].
14. Failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(5)].

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15. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
16. Failed to provide the Facility's pressure tank with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].
17. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.vi.].
18. Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan that demonstrates the Facility's ability to provide emergency operations [TEX. WATER CODE § 13.1394(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed: None

Technical Requirements:

1. Within 195 days implement an interconnect with Western Cass Water Supply Corporation.
2. Within 210 days submit written certification to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petitions Filed: May 21, 2021; June 28, 2021
Dates of Service: unclaimed; unclaimed
Settlement Date: November 26, 2024

Contact Information

TCEQ Attorneys: Benjamin Pence, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ SEP Coordinator: Adena Crider, Litigation Division, (512) 239-0648
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, (210) 403-4077
TCEQ Regional Contact: Ross Morgan, Tyler Regional Office, (903) 535-5100
Respondent Contact: Dewitt McCall, Mayor, City of Douglassville, P.O. Box 36, Douglassville, Texas 75560
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	29-Apr-2019		
	PCW	10-May-2019	Screening	13-May-2019
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Douglassville
Reg. Ent. Ref. No.	RN101388437
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47278	No. of Violations	17
Docket No.	2019-0676-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Public Water Utilities	Enf. Coordinator	Kaisie Hubschmitt
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,640
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	52.0%	Adjustment	Subtotals 2, 3, & 7	\$4,492
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Notes: Enhancement for one NOV with dissimilar violations, one NOV with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$6,226
Estimated Cost of Compliance \$33,541

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,132
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$13,132
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,294
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$13,294
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Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations, one NOV with the same/similar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 52%

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville	Policy Revision 4 (April 2014) PCW Revision March 26, 2014		
Case ID No.	47278			
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(B)(iii), (f)(3)(D)(i), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.i			
Violation Description	Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, the disinfectant residual monitoring records and Customer Service Inspections were not available. Additionally, several months of the microbiological analyses records were missing.			
Base Penalty			\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential					
					Percent	0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
				x		
					Percent	1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$990
\$10	

Violation Events

Number of Violation Events	1	Number of violation days	655
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Violation Base Penalty				\$10

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$10	

Economic Benefit (EB) for this violation

	Statutory Limit Test	
Estimated EB Amount	\$6	
Violation Final Penalty Total	\$15	
This violation Final Assessed Penalty (adjusted for limits)		\$50

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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-Jul-2017	1-Feb-2020	2.52	\$6	n/a	\$6
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by Agency personnel, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$6

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
Violation Number <input style="width: 50px;" type="text" value="2"/>		
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.ii		
Violation Description Failed to inspect the interior surface of a pressure tank provided with an inspection port every five years.		
Base Penalty		<input style="width: 100px;" type="text" value="\$1,000"/>
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
		Major Moderate Minor
	Actual	<input style="width: 50px;" type="text"/>
Potential	<input style="width: 50px;" type="text" value="x"/>	Percent <input style="width: 50px;" type="text" value="15.0%"/>
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
	<input style="width: 50px;" type="text"/>	Percent <input style="width: 50px;" type="text" value="0.0%"/>
Matrix Notes	Failure to inspect the interior surface of the pressure tank every five years could result in non-detection of a tank defect that causes loss of tank integrity, which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.	
Adjustment		<input style="width: 100px;" type="text" value="\$850"/>
		<input style="width: 100px;" type="text" value="\$150"/>
Violation Events		
Number of Violation Events <input style="width: 50px;" type="text" value="1"/>		<input style="width: 50px;" type="text" value="655"/> Number of violation days
daily weekly monthly quarterly semiannual annual single event	<input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text"/> <input style="width: 50px;" type="text" value="x"/>	Violation Base Penalty <input style="width: 100px;" type="text" value="\$150"/>
One single event is recommended.		
Good Faith Efforts to Comply		<input style="width: 50px;" type="text" value="0.0%"/> Reduction <input style="width: 100px;" type="text" value="\$0"/>
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Ordinary	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
N/A	<input style="width: 50px;" type="text" value="x"/>	<input style="width: 50px;" type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		<input style="width: 100px;" type="text" value="\$150"/>
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	<input style="width: 100px;" type="text" value="\$15"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$228"/>
This violation Final Assessed Penalty (adjusted for limits)		<input style="width: 100px;" type="text" value="\$228"/>

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 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	\$8	27-Jul-2017	13-May-2019	1.79	\$1	\$14	\$15
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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 a five-year internal pressure tank inspection (\$41 for five-year period, annualized), calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the date of screening.

Approx. Cost of Compliance \$14

TOTAL \$15

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW	
Respondent	City of Douglassville			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	47278			<i>PCW Revision March 26, 2014</i>	
Reg. Ent. Reference No.	RN101388437				
Media	Public Water Supply				
Enf. Coordinator	Kaisie Hubschmitt				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.v				
Violation Description	Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan lacked locations and information on distribution chlorine sample sites.				
		Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				
>> Programmatic Matrix					
	Falsification	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	655	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		Violation Base Penalty \$10
	One single event is recommended.				
Good Faith Efforts to Comply	0.0%	Reduction		\$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal	\$10			
Economic Benefit (EB) for this violation					
	Statutory Limit Test				
Estimated EB Amount	\$6	Violation Final Penalty Total	\$15		
This violation Final Assessed Penalty (adjusted for limits)		\$50			

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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-Jul-2017	1-Feb-2020	2.52	\$6	n/a	\$6
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 update the chemical and microbiological monitoring plan for the Facility, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$6

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW	
Respondent	City of Douglassville				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437				
Media	Public Water Supply				
Enf. Coordinator	Kaisie Hubschmitt				
Violation Number	4				
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(8) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.i				
Violation Description	Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the exterior, roof, and hatch of the Facility's ground storage tank were corroded.				
		Base Penalty	\$1,000		

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to maintain the ground storage tank in accordance with AWWA standards could allow a significant amount of contaminants to enter the water supply which not exceed levels protective of human health.
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Adjustment	\$950
	\$50

Violation Events

Number of Violation Events	8	Number of violation days	655
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	daily			Violation Base Penalty \$400
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Eight quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E, July 27, 2017, to the screening date, May 13, 2019.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal	\$400
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$649
Violation Final Penalty Total	\$608
This violation Final Assessed Penalty (adjusted for limits)	\$608

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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)	\$5,000	27-Jul-2017	1-Mar-2020	2.60	\$649	n/a	\$649

Notes for DELAYED costs

The delayed costs include the estimated amount to paint, disinfect, and maintain in accordance with AWWA standards the ground storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$649

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(3) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.ii	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>									
Violation Description <div style="border: 1px solid black; padding: 10px; margin-top: 5px;"> Failed to provide a device to readily determine the air-water-volume for the pressure tank. </div>											
Base Penalty		\$1,000									
>> Environmental, Property and Human Health Matrix											
OR	Release Actual Potential	Harm Major Moderate Minor									
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33.33%; height: 15px;"></td> <td style="width: 33.33%; height: 15px;"></td> <td style="width: 33.33%; height: 15px;"></td> </tr> <tr> <td style="height: 15px;"></td> <td style="text-align: center;">x</td> <td style="height: 15px;"></td> </tr> </table>					x		Percent 5.0%			
	x										
>> Programmatic Matrix											
Matrix Notes	Falsification Major Moderate Minor	Percent 0.0%									
	Failure to provide the pressure tanks with an air-water-volume device may not allow the operator to make necessary adjustments to ensure an adequate pressure and could cause persons served by the Facility to be exposed to a significant amount of contaminants which would not exceed levels protective of human health.										
	Adjustment \$950										
		\$50									
Violation Events											
Number of Violation Events 8		655 Number of violation days									
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> daily </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> weekly </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> monthly </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> quarterly </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> semiannual </div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> annual </div> <div style="border: 1px solid black; padding: 5px;"> single event </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="text-align: center;">x</td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> <tr><td style="height: 15px;"></td></tr> </table>				x				Violation Base Penalty \$400		
x											
Eight quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E, July 27, 2017, to the screening date, May 13, 2019.											
Good Faith Efforts to Comply		Reduction \$0									
<div style="text-align: center; margin-bottom: 5px;"> 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer </div> <table style="width: 100%;"> <tr> <td style="width: 30%;">Extraordinary</td> <td style="width: 30%; border: 1px solid black;"></td> <td style="width: 40%; border: 1px solid black;"></td> </tr> <tr> <td>Ordinary</td> <td style="border: 1px solid black;"></td> <td style="border: 1px solid black;"></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="border: 1px solid black;"></td> </tr> </table> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Notes: The Respondent does not meet the good faith criteria for this violation. </div>			Extraordinary			Ordinary			N/A	x	
Extraordinary											
Ordinary											
N/A	x										
Violation Subtotal		\$400									
Economic Benefit (EB) for this violation											
Estimated EB Amount		\$91									
Statutory Limit Test		\$608									
Violation Final Penalty Total		\$608									
This violation Final Assessed Penalty (adjusted for limits)		\$608									

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	27-Jul-2017	1-Mar-2020	2.60	\$4	\$87	\$91
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 provide a device to readily determine the air-water-volume for the Facility's pressure tanke, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$91

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
Violation Number 6		
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.ii		
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to provide the primary roof access opening of not less than 30 inches in diameter if an alternative 30-inch diameter access opening is not provided in the Facility's ground storage tank. Specifically, neither one of the two access openings of the Facility's ground storage tank were at least 30 inches in diameter. </div>		
Base Penalty		\$1,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
		Major Moderate Minor
	Actual	
Potential	x	
Percent		5.0%
>> Programmatic Matrix		
	Falsification Major Moderate Minor	
Percent		0.0%
Matrix Notes	Failure to provide a proper access opening for the Facility's ground storage tank could result in pollution of the water supply, exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.	
Adjustment		\$950
		\$50
Violation Events		
Number of Violation Events		8
		655
		Number of violation days
	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	
Violation Base Penalty		\$400
Eight quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E, July 27, 2017, to the screening date, May 13, 2019.		
Good Faith Efforts to Comply		0.0%
		Reduction
		\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$400
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount		\$93
Violation Final Penalty Total		\$608
This violation Final Assessed Penalty (adjusted for limits)		\$608

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	27-Jul-2017	1-Apr-2020	2.68	\$4	\$89	\$93
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a primary roof access opening of not less than 30 inches in diameter or an alternative 30-inch diameter access opening for the Facility's ground storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$93

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.iii			
Violation Description	Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility. Specifically, no as-built plans and specifications for the ground storage tank were available.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix						
OR		Harm				
	Release	Major	Moderate	Minor		
	Actual				Percent 0.0%	
Potential						
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
			x			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.					
		Adjustment	\$950			
			\$50			

Violation Events				
	Number of Violation Events	1	655	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		One single event is recommended.		
		Violation Base Penalty	\$50	

Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$50	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$24	Violation Final Penalty Total	\$76
This violation Final Assessed Penalty (adjusted for limits)		\$76	

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$180	27-Jul-2017	1-Apr-2020	2.68	\$24	n/a	\$24

Notes for DELAYED costs

The delayed costs include the estimated amount to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for the Facility's ground storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$24

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt Violation Number 8 Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(A) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.g	Docket No. 2019-0676-MLM-E PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																				
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to locate the Facility's well at least 150 feet away from an underground petroleum storage tank. Specifically, the well is located approximately 73 feet from the fill riser of an underground petroleum storage tank serving a convenience store adjacent to the water plant. </div>																					
Base Penalty \$1,000																					
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 10%;">Major</th> <th style="width: 10%;">Moderate</th> <th style="width: 10%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td>Percent 15.0%</td> </tr> </tbody> </table>		Major	Moderate	Minor		Release					Actual					Potential	x			Percent 15.0%
	Major	Moderate	Minor																		
Release																					
Actual																					
Potential	x			Percent 15.0%																	
>> Programmatic Matrix																					
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Falsification</th> <th style="width: 10%;">Major</th> <th style="width: 10%;">Moderate</th> <th style="width: 10%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td>Percent 0.0%</td> </tr> </tbody> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failure to locate the well at least 150 feet from unsanitary surroundings could result in contamination of the water supply and expose persons served by the Facility to a significant amount of pollutants which would exceed levels that are protective of human health. </div>	Falsification	Major	Moderate	Minor						Percent 0.0%										
Falsification	Major	Moderate	Minor																		
				Percent 0.0%																	
Adjustment \$850																					
\$150																					
Violation Events																					
<table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events</td> <td style="width: 10%; text-align: center;">22</td> <td style="width: 10%; text-align: center;">655</td> <td style="width: 30%;">Number of violation days</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Twenty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E, July 27, 2017, to the screening date, May 13, 2019. </div>		Number of Violation Events	22	655	Number of violation days	daily		weekly		monthly	x	quarterly		semiannual		annual		single event			
Number of Violation Events	22	655	Number of violation days																		
daily																					
weekly																					
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single event																					
Violation Base Penalty \$3,300																					
Good Faith Efforts to Comply																					
<table style="width: 100%;"> <tr> <td style="width: 40%;"></td> <td style="width: 10%; text-align: center;">0.0%</td> <td style="width: 50%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Notes: The Respondent does not meet the good faith criteria for this violation. </div>			0.0%			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x						
	0.0%																				
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x																				
Violation Subtotal \$3,300																					
Economic Benefit (EB) for this violation																					
<table style="width: 100%;"> <tr> <td style="width: 40%;">Estimated EB Amount</td> <td style="width: 10%; text-align: center;">\$5,130</td> <td style="width: 50%;">Statutory Limit Test</td> </tr> <tr> <td></td> <td></td> <td>Violation Final Penalty Total</td> </tr> <tr> <td></td> <td></td> <td style="text-align: center;">\$5,016</td> </tr> <tr> <td colspan="2"></td> <td>This violation Final Assessed Penalty (adjusted for limits)</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">\$5,016</td> </tr> </table>		Estimated EB Amount	\$5,130	Statutory Limit Test			Violation Final Penalty Total			\$5,016			This violation Final Assessed Penalty (adjusted for limits)			\$5,016					
Estimated EB Amount	\$5,130	Statutory Limit Test																			
		Violation Final Penalty Total																			
		\$5,016																			
		This violation Final Assessed Penalty (adjusted for limits)																			
		\$5,016																			

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$25,000	27-Jul-2017	1-Jul-2020	2.93	\$244	\$4,886	\$5,130
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 relocate the well to ensure it is located at least 150 feet away from unsanitary surroundings or to obtain an exception, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$5,130

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville	Policy Revision 4 (April 2014)		
Case ID No.	47278	PCW Revision March 26, 2014		
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iii), (f)(3)(A)(vi), and (f)(3)(D)(ii)			
Violation Description	Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, the records of complaints received by the Facility did not include locations of complaints and the results of any subsequent investigations. Additionally, the results of inspections for all water storage and pressure maintenance facilities and maintenance records for water system equipment and facilities were not available for review.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential				0.0%

>> Programmatic Matrix

OR	Falsification	Major	Moderate	Minor	Percent
				x	
					1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$990
	\$10

Violation Events

Number of Violation Events	1	77	Number of violation days														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x		
daily																	
weekly																	
monthly																	
quarterly																	
semiannual																	
annual																	
single event	x																
Violation Base Penalty			\$10														

One single event is recommended.

Good Faith Efforts to Comply

0.0%	Reduction	\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$10

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
Violation Final Penalty Total		\$15
This violation Final Assessed Penalty (adjusted for limits)		\$50

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

The delayed costs to maintain water system operation and maintenance records and make them immediately available for inspection upon request by agency personnel are included in the economic benefit worksheet for Violation No. 1.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
Violation Number <input style="width: 50px;" type="text" value="10"/>				
Rule Cite(s) <input style="width: 80%; height: 20px;" type="text" value="30 Tex. Admin. Code § 290.46(s)(1)"/>				
Violation Description <input style="width: 80%; height: 60px;" type="text" value="Failed to calibrate the Facility's well meter at least once every three years."/>				
Base Penalty		<input style="width: 100px;" type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Potential	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text" value="x"/>	
		Percent	<input style="width: 50px;" type="text" value="3.0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
		Percent	<input style="width: 50px;" type="text" value="0.0%"/>	
Matrix Notes	<input style="width: 100%; height: 100%;" type="text" value="Failure to calibrate the well meter could result in inaccurate water usage and production data which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health."/>			
Adjustment		<input style="width: 100px;" type="text" value="\$970"/>		
		<input style="width: 100px;" type="text" value="\$30"/>		
Violation Events				
Number of Violation Events		<input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="77"/>	Number of violation days
	daily	<input style="width: 50px;" type="text"/>		
	weekly	<input style="width: 50px;" type="text"/>		
	monthly	<input style="width: 50px;" type="text"/>		
	quarterly	<input style="width: 50px;" type="text"/>		
	semiannual	<input style="width: 50px;" type="text"/>		
	annual	<input style="width: 50px;" type="text"/>		
	single event	<input style="width: 50px;" type="text" value="x"/>		
Violation Base Penalty		<input style="width: 100px;" type="text" value="\$30"/>		
<input style="width: 100%; height: 100%;" type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply		<input style="width: 50px;" type="text" value="0.0%"/>	Reduction <input style="width: 100px;" type="text" value="\$0"/>	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input style="width: 50px;" type="text"/>		
	Ordinary	<input style="width: 50px;" type="text"/>		
	N/A	<input style="width: 50px;" type="text" value="x"/>		
Notes	<input style="width: 100%; height: 100%;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal		<input style="width: 100px;" type="text" value="\$30"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input style="width: 100px;" type="text" value="\$35"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$46"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input style="width: 100px;" type="text" value="\$50"/>		

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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 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	\$10	25-Feb-2016	13-May-2019	3.21	\$3	\$32	\$35
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				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 calibrate the Facility's well meter (\$31 per calibration, annualized), calculated from three years prior to the date of the investigation to the date of screening.

Approx. Cost of Compliance \$32

TOTAL \$35

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
Violation Number 11				
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 Facility's well sealing block was cracked. 				
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Release Major Harm Moderate Minor			
	Actual			
	Potential			x
Percent		3.0%		
>> Programmatic Matrix				
	Falsification Major Moderate Minor			
Percent		0.0%		
Matrix Notes	Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.			
Adjustment		\$970		
		\$30		
Violation Events				
Number of Violation Events 1		77 Number of violation days		
<div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">daily</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">weekly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">monthly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">quarterly</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">semiannual</div> <div style="border: 1px solid black; padding: 2px; margin-bottom: 2px;">annual</div> <div style="border: 1px solid black; padding: 2px;">single event</div>	<div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%; text-align: center;">x</div>	Violation Base Penalty \$30		
One single event is recommended.				
Good Faith Efforts to Comply				
0.0%		Reduction \$0		
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
Extraordinary Ordinary N/A	<div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%;"></div> <div style="border: 1px solid black; height: 15px; width: 100%; text-align: center;">x</div>			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$30		
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$9		
Statutory Limit Test				
Violation Final Penalty Total		\$46		
This violation Final Assessed Penalty (adjusted for limits)		\$50		

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$200	25-Feb-2019	1-Feb-2020	0.93	\$9	n/a	\$9

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the Facility's well sealing block, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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V12	12	
Rule Cite(s)		30 Tex. Admin. Code § 290.43(c)(4)
Violation Description		Failed to provide all water storage tanks with a liquid level indicator calibrated in feet of water located at the tank site. Specifically, the liquid level indicator read in pounds per square inch.

Base Penalty	\$1,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Failure to provide a storage tank with an appropriate liquid level indicator may not allow the operator to make necessary adjustments for production and usage calculations. As a result, persons served by the Facility could be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment	\$970
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	\$30
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Violation Events

Number of Violation Events	1	77	Number of violation days
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	daily								
	weekly								
	monthly								
	quarterly								
	semiannual								
	annual								
	single event		x						

One single event is recommended.

Good Faith Efforts to Comply	0.0%	
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	Extraordinary								
	Ordinary								
	N/A	x							

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

Violation Subtotal	\$30
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$36
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Statutory Limit Test

Violation Final Penalty Total	\$46
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This violation Final Assessed Penalty (adjusted for limits)	\$50
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Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	25-Feb-2019	1-Mar-2020	1.01	\$2	\$34	\$36
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 cost includes the estimated amount to provide an appropriate liquid level indicator at the tank site, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$36

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW	
Respondent	City of Douglassville				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437				
Media	Public Water Supply				
Enf. Coordinator	Kaisie Hubschmitt				
Violation Number	13				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(j)				
Violation Description	Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water system conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, certification for the sodium hypochlorite solution used for disinfection of drinking water was not available.				
		Base Penalty	\$1,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	
				Percent	3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to use an approved disinfectant that meets ANSI/NSF standards could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$970
	\$30

Violation Events

Number of Violation Events	1	Number of violation days	77
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%			
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$30	

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$2
	Violation Final Penalty Total \$46
	This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$45	25-Feb-2019	1-Feb-2020	0.93	\$2	n/a	\$2

Notes for DELAYED costs

The delayed costs include the estimated amount to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water system conform to ANSI/NSF standards, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>	
Violation Number <input style="width: 50px;" type="text" value="14"/>			
Rule Cite(s) <input style="width: 80%; height: 20px;" type="text" value="30 Tex. Admin. Code § 290.42(e)(5)"/>			
Violation Description <input style="width: 80%; height: 60px;" type="text" value="Failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism. Specifically, a drum of sodium hypochlorite was sitting outside the fence at the Facility."/>			
Base Penalty		<input style="width: 100px;" type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release Actual Potential	Harm Major Moderate Minor <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text" value="x"/>	Percent <input style="width: 50px;" type="text" value="3.0%"/>
	>> Programmatic Matrix		
	Falsification Major Moderate Minor <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> Percent <input style="width: 50px;" type="text" value="0.0%"/>		
Matrix Notes	<input style="width: 100%; height: 100%;" type="text" value="Failure to properly house the hypochlorination solution container in a secure enclosure could cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health."/>		
Adjustment		<input style="width: 100px;" type="text" value="\$970"/>	
		<input style="width: 100px;" type="text" value="\$30"/>	
Violation Events			
Number of Violation Events <input style="width: 50px;" type="text" value="1"/>		Number of violation days <input style="width: 50px;" type="text" value="77"/>	
<div style="border: 1px solid black; padding: 2px;"> daily weekly monthly quarterly semiannual annual single event </div>	<input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text" value="x"/>	Violation Base Penalty <input style="width: 100px;" type="text" value="\$30"/>	
<input style="width: 100%; height: 100%;" type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply		Reduction <input style="width: 100px;" type="text" value="\$0"/>	
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
Extraordinary Ordinary N/A Notes	<input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text"/> <input style="width: 50px; height: 15px;" type="text" value="x"/> <input style="width: 80%; height: 30px;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal		<input style="width: 100px;" type="text" value="\$30"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input style="width: 100px;" type="text" value="\$5"/>		Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$46"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input style="width: 100px;" type="text" value="\$50"/>	

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$100	25-Feb-2019	1-Feb-2020	0.93	\$5	n/a	\$5

Notes for DELAYED costs

The delayed costs include the estimated amount to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$5

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			
Violation Number	15			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(i)			
Violation Description	Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, a new service agreement was not adopted to reflect the new minimum lead percentage requirements.			
		Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				x
				Percent 1.0%
Matrix Notes	Less than 30% of the rule requirements were not met.			
		Adjustment	\$990	
			\$10	
Violation Events				
	Number of Violation Events	1	77	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
			Violation Base Penalty	\$10
	One single event is recommended.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$10	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$8	Violation Final Penalty Total	\$15
	This violation Final Assessed Penalty (adjusted for limits)			\$50

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	25-Feb-2019	1-Feb-2020	0.93	\$8	n/a	\$8
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 adopt an adequate plumbing ordinance, regulations, or service agreement, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8

Screening Date	13-May-2019	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47278			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Supply			
Enf. Coordinator	Kaisie Hubschmitt			
Violation Number	16			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(d)(2)			
Violation Description	Failed to provide the Facility's pressure tank with a pressure release device.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR

		Harm			
Release	Major	Moderate	Minor		
Actual					
Potential	x			Percent	15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide a pressure release device on the pressure tank could result in excess pressurization and expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

\$850

Violation Events

Number of Violation Events	3	77	Number of violation days
----------------------------	---	----	--------------------------

daily		
weekly		
monthly	x	
quarterly		
semiannual		
annual		
single event		

Violation Base Penalty

\$450

Three monthly events are recommended, calculated from the date of the investigation, February 25, 2019, to the screening date, May 13, 2019.

Good Faith Efforts to Comply

	0.0%	Reduction	\$0
--	------	-----------	-----

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal

\$450

Economic Benefit (EB) for this violation

Estimated EB Amount	\$54	Statutory Limit Test	
		Violation Final Penalty Total	\$684
		This violation Final Assessed Penalty (adjusted for limits)	\$684

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$700	25-Feb-2019	1-Apr-2020	1.10	\$3	\$51	\$54
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 install a pressure release device on the pressure tank (\$700 per device), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$700

TOTAL

\$54

Screening Date 13-May-2019 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Supply Enf. Coordinator Kaisie Hubschmitt	Docket No. 2019-0676-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>														
Violation Number 17																
Rule Cite(s) 30 Tex. Admin. Code § 290.46(v) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.vi																
Violation Description Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring at the well was not securely installed in a conduit.																
Base Penalty		\$1,000														
>> Environmental, Property and Human Health Matrix																
OR	Release	Harm														
		Major Moderate Minor														
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>				x			Percent 15.0%							
x																
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> </table>					Percent 0.0%										
Matrix Notes	Failure to install all electrical wiring in compliance with a local or national code may cause equipment malfunctioning which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.															
Adjustment		\$850														
		\$150														
Violation Events																
Number of Violation Events		22														
		655														
		Number of violation days														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">daily</td><td style="width: 70%; height: 20px;"></td></tr> <tr><td>weekly</td><td style="height: 20px;"></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td style="height: 20px;"></td></tr> <tr><td>semiannual</td><td style="height: 20px;"></td></tr> <tr><td>annual</td><td style="height: 20px;"></td></tr> <tr><td>single event</td><td style="height: 20px;"></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty \$3,300
daily																
weekly																
monthly	x															
quarterly																
semiannual																
annual																
single event																
Twenty-two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E, July 27, 2017, to the screening date, May 13, 2019.																
Good Faith Efforts to Comply		0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer														
	Extraordinary Ordinary N/A	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="height: 20px;"></td></tr> <tr><td style="text-align: center;">x</td><td style="height: 20px;"></td></tr> </table>					x									
x																
Notes	The Respondent does not meet the good faith criteria for this violation.															
Violation Subtotal		\$3,300														
Economic Benefit (EB) for this violation																
Estimated EB Amount		\$63														
Statutory Limit Test																
Violation Final Penalty Total		\$5,016														
This violation Final Assessed Penalty (adjusted for limits)		\$5,016														

Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$500	27-Jul-2017	1-Feb-2020	2.52	\$63	n/a	\$63

Notes for DELAYED costs

The delayed costs include the estimated amount to ensure that all wiring is installed in accordance with a local or national electrical code, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-1029-MLM-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$63



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Sep-2022	Screening	21-Sep-2022	EPA Due	
	PCW	12-Oct-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Douglassville
Reg. Ent. Ref. No.	RN101388437
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47278	No. of Violations	1
Docket No.	2019-0676-MLM-E	Order Type	1660
Media Program(s)	Public Water Utilities	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Kaisie Hubschmitt
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
-------------------------------------------------------------	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	22.0%	Adjustment	Subtotals 2, 3, & 7	\$110
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Notes: Enhancement for one agreed order containing a denial of liability and one NOV with dissimilar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$8
Estimated Cost of Compliance: \$180
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$610
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$610
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$610
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$610
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Screening Date	21-Sep-2022	Docket No.	2019-0676-MLM-E	PCW
Respondent	City of Douglassville			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	47278			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101388437			
Media	Public Water Utilities			
Enf. Coordinator	Kaisie Hubschmitt			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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%
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) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 21-Sep-2022 Respondent City of Douglassville Case ID No. 47278 Reg. Ent. Reference No. RN101388437 Media Public Water Utilities Enf. Coordinator Kaisie Hubschmitt Violation Number 1	Docket No. 2019-0676-MLM-E Rule Cite(s) Tex. Water Code § 13.1394(b)(2)	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

Violation Description	Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.
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Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				

Adjustment	\$4,500
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Violation Subtotal	\$500
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Violation Events

Number of Violation Events	1	12	Number of violation days
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	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	
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Violation Base Penalty	\$500
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One single event is recommended.	
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Good Faith Efforts to Comply

0.0%	
	Reduction

		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			

Violation Subtotal	\$500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$8	Statutory Limit Test	
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Violation Final Penalty Total	\$610
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This violation Final Assessed Penalty (adjusted for limits)	\$610
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Economic Benefit Worksheet

Respondent City of Douglassville
Case ID No. 47278
Reg. Ent. Reference No. RN101388437
Media Public Water Utilities
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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)	\$180	9-Sep-2022	8-Aug-2023	0.91	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and submit to the TCEQ for approval an EPP that demonstrates the Facility's ability to provide emergency operations, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$8



Compliance History Report

Compliance History Report for CN600658322, RN101388437, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600658322, City of Douglassville	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN101388437, CITY OF DOUGLASSVILLE	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	LOCATED AT HWY 8 AND HWY 77 IN CASS CO CASS, TX, CASS COUNTY				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0340015					
Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	June 25, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	May 22, 2016 to May 21, 2021				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	TCEQ Staff Member		Phone:	(512) 239-1000	

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 |

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

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

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1 | Effective Date: 07/27/2017 | ADMINORDER 2016-1029-MLM-E (Findings Order-Agreed Order Without Denial) |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2) | |
| | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) | |
| | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i) | |
| | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv) | |
| | Rqmt Prov: 2.a.i. ORDER | |
| | Description: Failure to properly maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. | |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B) | |
| | Rqmt Prov: 2.a.iii. ORDER | |
| | Description: Failure to inspect the interior surface of a pressure tank provided with an inspection port every five years. | |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | |
| | Rqmt Prov: 2.e.i. ORDER | |
| | Description: Failure to obtain a sanitary control easement that covers the land within 150 feet of the Facility's well. | |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8) | |

Description: Failure to ensure that all clearwells, ground storage tanks, standpipes, and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards.

Classification: Minor

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

Description: Failure to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)

Description: Failure to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or a color comparator.

Classification: Minor

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

Description: Failure to provide a device to readily determine the air-water-volume for the pressure tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

Classification: Minor

Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)

30 TAC Chapter 288, SubChapter B 288.20(a)

30 TAC Chapter 288, SubChapter C 288.30(5)(B)

Rqmt Prov: 2013-1425-MLM-E ORDER

Description: Failure to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to failed to locate the Facility's well at least 150 feet from an underground petroleum storage tank.

Classification: Minor

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

Description: Failure to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to provide the primary roof access opening of not less than 30 inches in diameter if an alternative 30-inch diameter access opening is not provided in the Facility's ground storage tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)

Description: Failure to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility.

2 Effective Date: 09/24/2019 ADMINORDER 2018-1156-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a free chlorine residual of 0.2 mg/L in the distribution at all times.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to ensure that the Facility's ground storage tank ("GST") roof hatches remain locked except during inspections and maintenance. Specifically, the roof hatch for the Facility's GST did not have a lock.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the Facility grounds had weeds and shrubs growing up around the tanks and pump house.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(6)

Description: Failure to provide sampling taps for raw water, treated water, and at a point representing water entering the distribution system at every entry point. Specifically, the well head did not have a raw water sample

Compliance History Report for CN600658322, RN101388437, Rating Year 2020 which includes Compliance History (CH) components from May 22, 2016, through May 21, 2021.

tap.

Classification: Minor

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

Description: Failure to flush all dead-end mains more often than monthly intervals if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels.

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.

- | | |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Date: 07/07/2020 (1657000)
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
Description: Failure to secure the water treatment plant by locking the gates during periods of darkness and when the plant is unattended. |
| | |
| 2 | Date: 02/25/2021 (1700538)
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.104(f)(2)
Description: Failure to maintain a disinfectant residual of 0.20 mg / L (Free Chlorine) in distribution system.
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to have treatment plant locked and secured while plant is unattended.
Self Report? NO
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to conduct an interior inspection of pressure tank in previous 5 years.
Self Report? NO
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)
Description: Failure to have a disinfectant residual analyzer that could be verified by calibration. |

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 DOUGLASSVILLE;
RN101388437

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-0676-MLM-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Douglassville ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 13, and 30 TEX. ADMIN. CODE chs. 70 and 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at the intersection of State Highway 8 and State Highway 77 in Douglassville, Cass County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 88 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38.

The PWS is also a retail public utility, exempt utility, or provider or conveyor of potable or raw water services, operated for compensation, that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more. The PWS is an "affected utility" as defined in TEX. WATER CODE § 13.1394(a)(1).

2. During an investigation conducted on and around February 25, 2019, an investigator documented that Respondent:
 - a. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, the disinfectant residual monitoring records and Customer Service Inspections were not available. Additionally, several months of the microbiological analyses records were missing;
 - b. Failed to inspect the interior surface of a pressure tank provided with an inspection port every five years;

- c. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan lacked locations and information on distribution chlorine sample sites;
- d. Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the exterior, roof, and hatch of the Facility's ground storage tank were corroded;
- e. Failed to provide a device to readily determine the air-water-volume for the pressure tank;
- f. Failed to provide a primary roof access opening of not less than 30 inches in diameter if an alternative 30-inch diameter access opening is not provided in the Facility's ground storage tank. Specifically, neither one of the two access openings of the Facility's ground storage tank were at least 30 inches in diameter;
- g. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility. Specifically, no as-built plans and specifications for the ground storage tank were available;
- h. Failed to locate the Facility's well at least 150 feet away from an underground petroleum storage tank. Specifically, the well is located approximately 73 feet from the fill riser of an underground petroleum storage tank serving a convenience store adjacent to the water plant;
- i. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, the records of complaints received by the Facility did not include locations of complaints and the results of any subsequent investigations. Additionally, the results of inspections for all water storage and pressure maintenance facilities and maintenance records for water system equipment and facilities were not available for review;
- j. Failed to calibrate the Facility's well meter at least once every three years;
- k. 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 Facility's well sealing block was cracked;
- l. Failed to provide all water storage tanks with a liquid level indicator calibrated in feet of water located at the tank site. Specifically, the liquid level indicator read in pounds per square inch;
- m. Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by the PWS conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, certification for the sodium hypochlorite solution used for disinfection of drinking water was not available;
- n. Failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism. Specifically, a drum of sodium hypochlorite was sitting outside the fence at the Facility;
- o. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-

connections nor other unacceptable plumbing practices are permitted. Specifically, a new service agreement was not adopted to reflect the new minimum lead percentage requirements;

- p. Failed to provide the Facility's pressure tank with a pressure release device; and
 - q. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring at the well was not securely installed in a conduit.
3. During a record review investigation conducted on and around September 9, 2022, an investigator documented that Respondent failed to adopt and submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 13, and the rules of TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iii), (f)(3)(D)(i), and (f)(3)(E)(iv) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.i.
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to inspect the interior surface of a pressure tank provided with an inspection port every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.ii.
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.v.
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated tanks are painted, disinfected, and maintained in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.i.
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide a device to readily determine the air-water-volume for the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.c.ii.
- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide a primary roof access opening of not less than 30 inches in diameter if an alternative 30-inch diameter access opening is not provided in the Facility's ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.ii.
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the Facility, in violation of

- 30 TEX. ADMIN. CODE § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.e.iii.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to locate the Facility's well at least 150 feet away from an underground petroleum storage tank, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(A) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.g.
 10. As evidenced by Finding of Fact No. 2.i., Respondent failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iii), (f)(3)(A)(vi), and (f)(3)(D)(ii).
 11. As evidenced by Finding of Fact No. 2.j., Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
 12. As evidenced by Finding of Fact No. 2.k., Respondent 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).
 13. As evidenced by Finding of Fact No. 2.l., Respondent failed to provide all water storage tanks with a liquid level indicator calibrated in feet of water located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
 14. As evidenced by Finding of Fact No. 2.m., Respondent failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by the PWS conform to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
 15. As evidenced by Finding of Fact No. 2.n., Respondent failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
 16. As evidenced by Finding of Fact No. 2.o., Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
 17. As evidenced by Finding of Fact No. 2.p., Respondent failed to provide the Facility's pressure tank with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
 18. As evidenced by Finding of Fact No. 2.q., Respondent failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v) and TCEQ Agreed Order Docket No. 2016-1029-MLM-E, Ordering Provision No. 2.a.vi.
 19. As evidence by Finding of Fact No. 3, Respondent failed to adopt and submit to the TCEQ for approval an EPP that demonstrates the Facility's ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1394(b)(2).
 20. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 13.4151(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 21. An administrative penalty in the amount of \$13,904 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 13.4151(b).

Pursuant to TEX. WATER CODE § 7.067, \$13,904 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 21. The amount of \$13,904 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Douglassville, Docket No. 2019-0676-MLM-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, Mc 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
 - a. Within 195 days after the effective date of this Order, implement an interconnect with Western Cass Water Supply Corporation, after which time Respondent's Facility will cease to be a PWS.
 - b. Within 210 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Section Manager, Public Drinking Water
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The 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.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

March 3, 2025

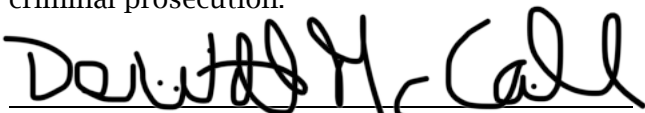
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Dewitt McCall, Mayor
City of Douglassville
P.O. Box 36
Douglassville, Texas 75560

11-26-2024

Date

☐ *If mailing address has changed, please check this box and provide the new address below:*

ATTACHMENT A
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Attachment A
Docket Number: 2019-0676-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Douglassville
Penalty Amount:	\$13,904
SEP Offset Amount:	\$13,904
Type of SEP:	Compliance
Project Name:	<i>PWS Interconnect</i>
Location of SEP:	Cass County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water system (the “Facility”) which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Facility.

1. Project Description

A. Project

Respondent shall hire a contractor to perform an interconnect with Western Cass Water Supply Corporation. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the connection, including a meter, backflow prevention assembly, various valves, and fittings (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide access to safe drinking water. Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
Waterline Interconnect and Related Accessories	\$13,904
Total	\$13,904

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 195 days after the effective date of this Agreed Order.

Executive Director ("ED") staff may grant an extension to any deadline for Respondent's performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 30 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 195-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
195	Notice of SEP completion

B. Final Report

Within 195 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described above in Sections 2 through 4, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount,

as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.