EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57694 City of Scottsville RN101227619 Docket No. 2019-0677-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

approximatley 1,263 feet south of the intersection of Farm-to-Market Road 1998 and Farm-to-Market Road 2199, on Farm-to-Market Road 2199, Scottsville, Harrison County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: 2019-0314-PWS-E

Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third Parties: None

Texas Register Publication Date: November 12, 2021

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,255 **Total Paid to General Revenue:** \$1,255

Compliance History Classifications:

Person/CN - Not Applicable Site/RN - Not Applicable

Major Source: No Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: April 18, 2019

Date(s) of NOV(s): See Compliance History – related NOVs

Date(s) of NOE(s): May 3, 2019; May 24, 2019

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57694 City of Scottsville RN101227619 Docket No. 2019-0677-PWS-E

Violation Information

- 1. Failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities [Tex. Health & Safety Code § 341.0351 and 30 Tex. Admin. Code § 290.39(j)].
- 2. Failed to inspect the interior of the Facility's pressure tank at least once every five years [30 Tex. Admin. Code § 290.46(m)(1)(B)].
- 3. Failed to maintain the water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(vi), (f)(3)(B)(ii), and (f)(3)(B)(iii)].
- 4. Failed to measure the free chlorine residual to minimum accuracy of plus or minus 0.1 mg/L [30 Tex. Admin. Code § 290.110(d)(1)].
- 5. Failed to maintain an accurate and 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)].
- 6. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national code [30 Tex. ADMIN. CODE § 290.46(v)].
- 7. Failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities [30 Tex. ADMIN. CODE § 290.42(e)(4)(B)].
- 8. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [Tex. Health & Safety Code § 341.0315(c) and 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii)].
- 9. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly ("BPA") [30 Tex. Admin. Code § 290.47(f), in violation of 30 Tex. Admin. Code § 290.44(h)(1)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

- 1. Within 30 days,
 - a. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the free chlorine residual is measured to a minimum accuracy of plus or minus 0.1 mg/L, including but not limited to diluting samples with chlorine-free water, taking a reading, and calculating the resulting residual when a sample reads at the top of the range;
 - b. Conduct an inspection of the interior of the Facility's pressure tank;
 - c. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each day, complaint records, the dates that dead-end mains were flushed, maintenance records for the water system

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57694 City of Scottsville RN101227619 Docket No. 2019-0677-PWS-E

- equipment and facilities, copies of a public notice issued by the water system, and disinfectant monitoring results from the distribution system;
- d. Secure the electrical wiring in compliance with a local or national code at Well House No. 1;
- e. Ensure that a proper BPA or air gap is provided at the location where an actual or potential contamination hazard exists, including but not limited to the connection near the Sugar Creek lift station.
- 2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.e.
- 3. Within 60 days, update and maintain an up-to-date chemical and microbiological monitoring plan.
- 4. Within 75 days, submit written certification to demonstrate compliance with Technical Requirement No. 3.
- 5. Within 90 days, properly house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facility.
- 6. Within 105 days, submit written certification to demonstrate compliance with Technical Requirement No. 5.
- 7. Within 180 days:
 - a. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including the discontinued use of polyphosphate for the sequestration of iron and manganese, and/or the use of an alternative polyphosphate treatment. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.
 - b. Provide two or more service pumps having a total capacity of 2.0 gpm per connection.
- 8. Within 195 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 7.a. and 7.b.
- 9. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.
- 10. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement No. 9.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 57694 City of Scottsville RN101227619 Docket No. 2019-0677-PWS-E

Litigation Information

Date Petition(s) Filed:January 15, 2020Date Green Card(s) Signed:January 18, 2020Settlement Date:September 29, 2021

Contact Information

TCEQ Attorneys: Benjamin Warms, Litigation, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation, (512) 239-2575

TCEQ Enforcement Coordinator: Steven Hall, Enforcement, (512) 239-2569 **TCEQ Regional Contact:** Ross Morgan, Tyler Regional Office, (903) 535-5100

Respondent Contact: John Pritchard, Alderman, City of Scottsville, P.O. Box 463, Scottsville,

Texas 75688

Respondent's Attorney: N/A

\$985

\$0

\$1,024

\$1,024

								PCW 1 OF
TCEQ	Policy Revision 4 (A		nalty Calcu	ılatior	n Workshe	eet (PC	•	vision March 26, 201
DATES	Assigned PCW	13-May-2019 13-May-2019	Screening 13-M	ay-2019	EPA Due			
Reg					Major/Mir	nor Source	Minor	
En Med	lia Program(s) Multi-Media	57694 2019-0677-PWS- Public Water Sup		mum [Government/I	oordinator	Findings	am 2
ТОТА	L BASE PENA	LTY (Sum of	Penalty C		ion Section	า	Subtotal 1	\$64
ADJU	STMENTS (+ Subtotals 2-7 are of Compliance Hi	story	the Total Base Penalty	54.0%	Adjustment	Subto	tals 2, 3, & 7	\$34
	Notes		for four NOVs with hilar violations, and of lia					
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$
	Notes	The Re	spondent does not	meet the	culpability criteria	a.		
	Good Faith Eff	ort to Comply To	otal Adjustments				Subtotal 5	\$1
	Economic Benderated	efit Total EB Amounts Cost of Compliance	\$1,024 #NAME?		Enhancement* I at the Total EB \$ Am	nount	Subtotal 6	\$1
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal	\$98
		AS JUSTICE M Subtotal by the indic			0.0%		Adjustment	\$1

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

0.0%

No deferral is recommended for Findings Orders.

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 13-May-2019

Docket No. 2019-0677-PWS-E

PCW

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

Respondent City of Scottsville Case ID No. 57694
Reg. Ent. Reference No. RN101227619

Media Public Water Supply

Enf. Coordinator Steven Hall

		Compliance History Worksheet			
>> Co	mpliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%	
		Other written NOVs	7	14%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature 1995 (number of audits for which notices were submitted)		0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Pero	centage (Sub	total 2) 54%)
>> Re	peat Violator	(Subtotal 3)			
	N/A	Adjustment Pero	centage (Sub	total 3) 0%	
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Pero	centage (Sub	total 7) 0%	
>> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for four NOVs with the same/similar violations, seven NOVs with violations, and one agreed order containing a denial of liability.	n dissimilar		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) 54%)
>> Fina	al Compliance	History Adjustment			
		Final Adjustment Percenta	age *capped a	at 100% 54%	

	Scre	ening Date	13-May-2019		Doc	ket No. 2019-0677-PWS-E		PCW
			City of Scottsville	e			Policy	Revision 4 (April 2014)
D		Case ID No.					PCW R	Revision March 26, 2014
Reg.	ent. Kei	erence No.	Public Water Sup	anly.				
	Fnf. C	Coordinator		ppry				
		ation Number						
		Rule Cite(s)						
		Ruic Cite(3)	30 Tex. Admi	n. Code § 29	0.39(j) and To	ex. Health & Safety Code § 341.	0351	
			Failed to notify	, the Evecution	ve Director ar	nd receive an approval prior to m	naking	
						ystem's production, treatment, s		
		_				ilities. Specifically, during the M		
	Violatio	n Description				no longer using polyphosphate f Additionally, during the Decembe		
						s using an unapproved polyphosi		
			_	•	treatm			
		•				Page 1	Danalin.	\$1,000
						Base I	Penalty	\$1,000
>> Env	/ironme	ntal, Proper	ty and Huma		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0%		
>>Pro/	gramma	tic Matrix						
	gramma	Falsification	Major	Moderate	Minor			
			Х			Percent 5.0%		
	Matrix		100%	of the rule	roquiromonto	were not met.		
	Notes		100%	o or the rule	requirements	were not met.		
						Adjustment	\$950	
								\$50
Violatio	on Event	to.						
Violatio	on Eveni	ıs						
		Number of V	iolation Events	1		25 Number of violation da	ays	
			daily					
			weekly					
			monthly					
			quarterly			Violation Base I	Penalty	\$50
			semiannual					
			annual single event	Х				
				0				
				One single e	vent is recom	menaea.		
0	= 66			2.22		_		40
Good F	aith Effo	orts to Com		0.0% fore NOE/NOV	NOE/NOV to EDI	Re PRP/Settlement Offer	eduction	\$0
			Extraordinary		·			
			Ordinary					
			N/A	Х				
			Notes	The Respond		meet the good faith criteria		
			Notes		for this	violation.		
						Violation S	ubtotal	\$50
Econon	nic Bene	efit (EB) for	this violation	1		Statutory Limit T	Test	
		Estimate	ed EB Amount		\$297	Violation Final Penalt	ty Total	\$77
				This viola		sessed Penalty (adjusted for	limite	\$77
				THIS AIDIG	LIVII FIIIdi AS	sesseu renaity (aujusteu for	mmus)	\$//

	F	conomic	Ranafit	Wa	rkshoot		
Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.	City of Scotts 57694 RN101227619 Public Water S	ville	Dellelle	VV O	ikslieet	Percent Interest	Years of Depreciation
Violation No.	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
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)	\$3,000	16-May-2018	7-May-2020	1.98	\$297	n/a	\$297
Notes for DELAYED costs	prior to makin	ng any significant initially docur	changes to the menting the viol	water s	system, calculated the estimated da	·	e investigation
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d 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		\$3,000			TOTAL		\$297

	Screening Date		Docket No. 2019-0677-PWS-E	PCW
	<u>-</u>	City of Scottsville	Polic	cy Revision 4 (April 2014)
	Case ID No.		PCW	Revision March 26, 2014
Reg.	Ent. Reference No.			
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			_
	Rule Cite(s)	30 Te	x. Admin. Code § 290.46(m)(1)(B)	
	Violation Description	Failed to inspect the interio	or of the Facility's pressure tank at least once every five years. Base Penalty	
>> En:	vironmontal Brono	rty and Uuman Uaalth	Matrix	
// EII	vironinental, Prope	rty and Human Health Harm	I Matrix	
	Release		Minor	
OR	Actual			
	Potential	х	Percent 15.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
				-
			d result in non-detection of defects resulting in a loss of	
	Notes tank integ		is served by the Facility to contaminants which would	
		exceed levels	protective of human health.	
			Adjustment \$850	<u>)</u>
				\$150
				Ψ150
Violati	on Events			
	Number of V	Violation Events 1	25 Number of violation days	
		daily		
		weekly		
		monthly	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	+450
		quarterly	Violation Base Penalty	\$150
		semiannual annual	_	
		single event x	4	
		Single event	<u></u>	
				1
		One single	e event is recommended.	
Good F	aith Efforts to Com			\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A x		
		The Respon	dent does not meet the good faith criteria for	
		Notes	this violation.	
			Violation Subtota	I \$150
			Violation Subtota	. φ130
Econor	mic Benefit (EB) for	this violation	Statutory Limit Test	
	Fstimat	ed EB Amount	\$50 Violation Final Penalty Tota	\$231
	250.11140			
		This vi	olation Final Assessed Penalty (adjusted for limits)	\$231

	Е	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	City of Scottsv 57694	ville			- NOTICE		
Media Violation No.	Public Water S 2	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
•							
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	ANNUA	ALIZE avoided co	osts before en	terina	item (except fo	r one-time avoide	d costs)
Disposal	7	1	55.5 50.0.0 0.	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling	\$8	18-Dec-2013	13-May-2019	5.40	\$7	\$43	\$50
Supplies/Equipment		10 Dec 2015	15 Huy 2015	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		e pressure tank, a	nnualized), cal	culated		surface of the press fior to the date of th ning date.	
Approx. Cost of Compliance		\$43			TOTAL		\$50

		ening Date			Doc	:ket No. 2019-0677-PWS-E		PCW
		•	City of Scottsvil	lle			Policy F	Revision 4 (April 2014)
_		ase ID No.					PCW Re	evision March 26, 2014
Reg.	Ent. Ref		RN101227619					
	F£ 6		Public Water Su	ıpply				
		oordinator ation Number	Steven Hall					
	VIOI		20 Toy, Admin	Codo 5 200 /	16/f\/2\ and (f	f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(2\(A\(i\)	
		Rule Cite(s)	30 Tex. Admin.			f(3)(A)(1)(11), (1)(3)(A)(111), (1)(3)(11) $f(3)(B)(3)(B)(3)$	5)(A)(IV),	
	Violatio	n Description	readily availal the follow distributed e flushed, mainte	ain water wor ble for review ing records w each day, com enance record ice issued by	ks operation a by the Execui ere not availa plaint records s for the wate	and maintenance records and maitive Director upon request. Specially for review: the amount of was, the dates that dead-end mains resystem equipment and facilities tem, and disinfectant monitoring	cifically, ater s were es, copies	
_	_					Base	Penalty	\$1,000
>> Env	/ironme	ntal, Proper	ty and Huma		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual		Moderate	MINO			
0.0		Potential				Percent 0.0%		
		'						
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
					X	Percent 1.0%		
	Matrix Notes		Less tha	n 30% of the	rule requirem	ents were not met.		
						Adjustment	\$990	
							_	¢10
								\$10
Violatio	on Event	ts						
			iolation Events	1		Number of violation (days	
			daily weekly monthly quarterly semiannual annual single event	X		Violation Base	Penalty	\$10
				One single e	event is recom	nmended.		
Good Fa	aith Effo	orts to Com	ply	0.0%		F	Reduction	\$0
				efore NOE/NOV	NOE/NOV to EDP	RP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х				
			Notes	The Responde		neet the good faith criteria for iolation.		
						Violation	Subtotal	\$10
Econon	nic Bene	fit (EB) for	this violatio	n		Statutory Limit	Test	
		Ectimote	ed EB Amount		\$2	Violation Final Pena	lty Total	\$15
		Latinidle	LD AIIIOUIIL		\$ 4	viviacion Final Pella	.cy rotai	\$15
				This viol	ation Final A	ssessed Penalty (adjusted fo	r limits)	\$50

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Scotts	/ille					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Thom: Documention	Item Cost	Date Required	i iliai bate	5	Interest Saveu	costs suveu	LD Amount
Item Description							
Delayed Costs	<u> </u>	1		0.00	T +0	1 +0	+0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 #0
Engineering/Construction Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System	\$45	18-Dec-2018	25-Dec-2019	1.02	\$0	n/a	\$0 \$2
Training/Sampling	\$43	16-Dec-2016	23-Det-2019	0.00	\$0	n/a	\$2 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0 \$0
Permit Costs				0.00	\$0	n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a	\$0 \$0
Other (as necucu)		<u> </u>		0.00	30	TI/ a	3 0
Notes for DELAYED costs	maintenance from the date	records and make of the investigat	them immedia ion initially doc	tely ava umentir	ailable upon reque ng the violation to	tain water system o st by agency persor the estimated date	nnel, calculated of compliance.
Avoided Costs	ANNUA	ALIZE avoided c	osts before er			r one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/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	<u> </u>	\$2

	Screening Date		Docket No. 2019-0677-PWS-E	PCW
	Respondent	City of Scottsville	Policy	Revision 4 (April 2014)
	Case ID No.		PCW R	evision March 26, 2014
Reg.	Ent. Reference No.	RN101227619		
	Media	Public Water Supply		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	30 Т	ex. Admin. Code § 290.110(d)(1)	
		56 .	on / turning code 3 =201=20(a)(=)	
	Violation Description	0.1 milligrams per liter ("m at the top of the range, b	chlorine residual to a minimum accuracy of plus or minus ng/L"). Specifically, a collected free chlorine sample was but was not diluted with chlorine-free water, nor was a seen and the resulting residual calculated.	
			Base Penalty	\$1,000
>> En	vironmental, Prope	rty and Human Health	n Matrix	
		Harm		
OR	Release		Minor	
UK	Actua Potentia		Percent 5.0%	
	Potentia	X	Percent 5.0%	
>> Dro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
	1 4101110441011		Percent 0.0%	
		<u> </u>		
	Failure to me	asure the free chlorine residu	ial to a minimum accuracy could result in persons served	
	Matrix by the Faci		icant amount of contaminants which would not exceed	
	Notes		tective of human health.	
		<u> </u>		
			Adjustment \$950	
				\$50
\/:- -+:	- F			
violati	on Events			
	Number of	Violation Events 1	25 Number of violation days	
	Number of	violation Events 1	valiber of violation days	
		daily	7	
		weekly	i	
		monthly	1	
		quarterly x	Violation Base Penalty	\$50
		semiannual		
		annual		
		single event		
	One quarterly	event is recommended, calc	ulated from the date of the investigation, April 18, 2019,	
	· · · · ·		of screening, May 13, 2019.	
Good F	aith Efforts to Com	ply 0.0%	Reduction	\$0
		Before NOE/NOV		40
		Extraordinary		
		Ordinary		
		N/A x		
			1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
		Notes The Respon	dent does not meet the good faith criteria for	
			this violation.	
			Violation Subtotal	\$50
Econo	mic Ponofit (ED) fo	r this violation	Statutany Limit Task	
FCOUO	mic Benefit (EB) for	นแร งเปเสนบก	Statutory Limit Test	
	Estimat	ed EB Amount	\$5 Violation Final Penalty Total	\$77
	Estimat		\$5 Violation Final Penalty Total olation Final Assessed Penalty (adjusted for limits)	\$77 \$77

	E	conomic	Benefit	Wor	rksheet			
Respondent	City of Scotts	/ille						
Case ID No.								
Reg. Ent. Reference No.		1						
							V	
	Public Water S	uppiy				Percent Interest	Years of	
Violation No.	4						Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
ztem zesenpaon								
Delayed Costs								
Equipment				0.00	\$0	\$0	\$0	
Buildings		i i		0.00	\$0	\$0	\$0	
Other (as needed)		i i		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	18-Dec-2018	25-Dec-2019	1.02	\$5	n/a	\$5	
Notes for DELAYED costs	The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the free chlorine residual is measured to a minimum accuracy of plus or minus 0.1 mg/L, including but not limited to diluting samples with chlorine-free water, taking a reading, and calculating the resulting residual when a sample reads at the top of the range, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.							
		lated from the da		-	•			
Avoided Costs	ANNUA		dat	e of cor	mpliance.		the estimated	
Avoided Costs Disposal	ANNU		dat	e of cor	mpliance.	ng the violation to t	the estimated	
	ANNUA		dat	e of cor	mpliance. item (except for	ng the violation to to	the estimated d costs)	
Disposal	ANNUA		dat	tering	item (except for \$0	ng the violation to the cone-time avoide \$0	d costs)	
Disposal Personnel	ANNU		dat	tering 0.00 0.00 0.00 0.00	mpliance. item (except for \$0 \$0 \$0 \$0	one-time avoide \$0 \$0	d costs) \$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU		dat	1 0.00 0.00 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide s0 s0 s0 s0 s0 s0	### destimated ### so ### ### so ## ### so	
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU		dat	0.00 0.00 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide s0 s0 s0 s0 s0 s0 s0	## so	
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNU		dat	1 0.00 0.00 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide s0 s0 s0 s0 s0 s0	### destimated ### so ### ### so ## ### so	
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU		dat	0.00 0.00 0.00 0.00 0.00 0.00	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoide s0 s0 s0 s0 s0 s0 s0	### destimated ### destimated ### so ### so	

	Screening Date		Docket No. 2019-0677-PWS-E	PCW
		City of Scottsville	Policy	y Revision 4 (April 2014)
	Case ID No.		PCW :	Revision March 26, 2014
Reg.	Ent. Reference No.			
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			1
	Rule Cite(s)	30 T€	ex. Admin. Code § 290.121(a) and (b)	
			accurate and up-to-date chemical and microbiological	
	Violation Description		dentifies all sampling locations, describes the sampling	
	violation Description		the analytical procedures and laboratories that the Facility the monitoring requirements. Specifically, the monitoring	
			ude sample site locations or sampling frequency.	
		·	,	
			Base Penalty	\$1,000
			buse i charty	Ψ 2/000
>> En	vironmental, Propei	rty and Human Healt	th Matrix	
	Release	Harm Major Moderate	e Minor	
OR	Actual		= 1411101	
0.1	Potential		Percent 0.0%	
			515.75	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	e Minor	
		Х	Percent 5.0%	
				1
	Matrix			
	Notes	Greater than 70% o	f the rule requirements were not met.	
			Adjustment \$950	1
			Aujustinent	1
				\$50
	-			
Violati	on Events			
	Number of \	/iolation Events 1	25 Number of violation days	
	Hamber of V	Totation Events 1		
		daily		
		weekly		
		monthly		
		quarterly	Violation Base Penalty	\$50
		semiannual		
		annual		
		single event x		
				1
		One sing	ile event is recommended.	
		One sing	gle event is recommended.	
Good F	Faith Efforts to Com	ply 0.0	% Reduction	\$0
Good F	Faith Efforts to Com	ply 0.0 Before NOE/NO	% Reduction	\$0
Good I	Faith Efforts to Com	ply 0.0 Before NOE/No Extraordinary	% Reduction	\$0
Good I	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary	% Reduction	\$0
Good F	Faith Efforts to Com	ply 0.0 Before NOE/No Extraordinary	% Reduction	\$0
Good I	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x The Response	% Reduction	\$0
Good I	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x	% Reduction OV NOE/NOV to EDPRP/Settlement Offer	\$0
Good F	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x The Response	% Reduction OV NOE/NOV to EDPRP/Settlement Offer ondent does not meet the good faith criteria for	\$0
Good F	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x The Response	% Reduction OV NOE/NOV to EDPRP/Settlement Offer ondent does not meet the good faith criteria for	
		ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x Notes	Reduction NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for this violation. Violation Subtotal	
	Faith Efforts to Com	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x Notes	NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for this violation.	
	mic Benefit (EB) for	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x Notes	Reduction NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for this violation. Violation Subtotal	\$50
	mic Benefit (EB) for	ply 0.0 Before NOE/NO Extraordinary Ordinary N/A x Notes The Response This violation ed EB Amount	Reduction NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for this violation. Violation Subtotal Statutory Limit Test	\$50 \$77

	Е	conomic	Benefit	Wo	rksheet		
Respondent			20110111				
		/IIIE					
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
Item Description							
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	18-Dec-2018	8-Jan-2020	1.06	\$10	n/a	\$10
Notes for DELAYED costs		plan for the Facili	ity, calculated fi	om the		gin maintaining an u tigation initally docu ince.	
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d 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		\$10

	Screening Date		Docket No.	2019-0677-PWS-E	PCW
	-	City of Scottsville		Policy	Revision 4 (April 2014)
_	Case ID No.			PCW .	Revision March 26, 2014
Reg.	Ent. Reference No.				
		Public Water Supply			
	Enf. Coordinator				
	Violation Number				1
	Rule Cite(s)	30	Tex. Admin. Code § 290.	46(v)	
		Failed to ensure that the ele	ectircal wiring is securely	installed in compliance with a	
	Violation Description	local or national code. Spe	cifically, the electrical wi	ring at Well House No. 1 was	
		no	t securely installed in cor	nduit.	
				David Davids	±1.000
				Base Penalty	\$1,000
>> Env	vironmental, Prope	rty and Human Health	Matrix		
	Release	Harm Major Moderate	Minor		
OR	Actual		MINO		
	Potential			Percent 15.0%	
		· · · · · · · · · · · · · · · · · · ·		. ————————————————————————————————————	
>>Pro	grammatic Matrix				
	Falsification	Major Moderate	Minor	Paramet 0.000	
				Percent 0.0%	
					1
				a local or national code could swhich could expose persons	
		he Facility to contaminants w			
				F	
			Δdi	justment \$850	1
			, , , ,	,astinent post	
					\$150
Violati	on Events				
Violati	on Events				
	Number of \	/iolation Events 1	25	Number of violation days	
			- 1		
		daily weekly			
		monthly x			
		quarterly		Violation Base Penalty	\$150
		semiannual			1 2 2
		annual			
		single event			
					1
	One month	nly event is recommended, ca		3 , . ,	
		2019, to the date	e of screening, May 13, 2	019.	
C!-	-ith Ffft	mba a sa			-
400a F	aith Efforts to Com		NOE/NOV to EDPRP/Settleme	Reduction nt Offer	\$0
		Extraordinary	NOE/NOV to EDITA / Section of		
		Ordinary			
		N/A x		Ц	
		The Berner			
		Notes The Respond	lent does not meet the go this violation.	Don Taith Criteria for	
			tino violationi		
				Violation Subtotal	\$150
Eee	mic Domofit (FD) for	this violeties			, ,
Econor	nic Benefit (EB) for	uns violation		Statutory Limit Test	
	Estimat	ed EB Amount	\$15 V	iolation Final Penalty Total	\$231
		This viol	ation Final Assessed P	enalty (adjusted for limits)	\$231

	E	conomic	Benefit	Wo	rksheet		
Respondent							
Case ID No.		/iiic					
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of
Violation No.	6					. c. cont ziiter est	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	1	1					
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	18-Dec-2018	25-Dec-2019	1.02	\$1	\$14	\$15
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 \$0	n/a n/a	\$0 \$0
Other (as needed)		<u> </u>		0.00	\$0	II/d	\$U
	The delayed c	ost includes the e	stimated amoui	nt to se	cure all electrical	wiring in compliance	with a local or
Notes for DELAYED costs						locumenting the viol	
		,			of compliance.		
Avoided Costs	ANNUA	ALIZE avoided c	osts before en			r one-time avoide	
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 \$0	\$0 \$0
Other (as needed)		<u> </u>		0.00	\$0	\$0	<u>\$U</u>
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$200			TOTAL		\$15

	Screening Date		Docket No. 2019-0677-PWS-E	PCW
	' - '	City of Scottsville	Policy i	Revision 4 (April 2014)
	Case ID No.		PCW Re	evision March 26, 2014
Reg.	Ent. Reference No.			
		Public Water Sup	ply	
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)		30 Tex. Admin. Code § 290.42(e)(4)(B)	
		Failed to house t	he gas chlorination equipment and cylinders of chlorine in separate	
			eparate rooms with impervious walls or partitions separating all	
	Violation Description		nd electrical equipment from the chlorine facilities. Specifically,	
			cylinders were being stored outside on a concrete pad without tection from adverse weather conditions or vandalism.	
		prot	decelor from adverse weather conditions of variations.	
			Paga Pagalku√	±1.000
			Base Penalty_	\$1,000
>> En	vironmental, Proper	ty and Huma	n Health Matrix	
			Harm	
0 D	Release		Moderate Minor	
OR	Actual		Dovemb 15 00/	
	Potential	X	Percent 15.0%	
>> Dro	grammatic Matrix			
	Falsification	Major	Moderate Minor	
	raisireación	r lajel	Percent 0.0%	
		<u> </u>	0.070	
			ne cylinders could expose employees of the Facility to chlorine gas	
	Notes	which wo	uld exceed levels protective of human health.	
			Adjustment \$850	
				\$150
Violati	on Events			
	Number of \	/iolation Events	1 25 Number of violation days	
	Nulliber of V	Holdtion Events	1 25 Number of violation days	
		daily		
		weekly		
		monthly	X	
		quarterly	Violation Base Penalty	\$150
		semiannual		
		annual		
		single event		
	One monthly	event is recomme	nded, calculated from the date of the investigation, April 18, 2019,	
	one monemy		the date of screening, May 13, 2019.	
Good F	aith Efforts to Com	nly	0.0% Reduction	\$0
doou i	aith Liferts to com		ore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	ΨΟ
		Extraordinary		
		Ordinary		
		N/A	X	
			<u>"</u>	
		Notes	he Respondent does not meet the good faith criteria for	
			this violation.	
			Violation Subtotal	\$150
Econor	mic Benefit (EB) for	this violation	Statutory Limit Test	
			- Statutory Emilit rest	
	Estimate	ed EB Amount	\$160 Violation Final Penalty Total	\$231
			This violation Final Assessed Penalty (adjusted for limits)	\$231
			interpolation in the second of	Ψ 2 51

	Е	conomic	Benefit	Wo	rksheet		
Respondent	City of Scotts	/ille					
Case ID No.							
Reg. Ent. Reference No.		1					
——————————————————————————————————————	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	18-Dec-2018	7-Feb-2020	1.14	\$8	\$152	\$160
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 date of	f the investigation	initially docum	enting	the violation to the	chlorine cylinders, on the contract con	compliance.
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering	item (except for	r one-time avoide	d 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		\$2,000			TOTAL		\$160

	Screening Date		Docket No. 2019-0677-PWS-E	PCW
		City of Scottsville	Policy	Revision 4 (April 2014)
	Case ID No.		PCW Re	evision March 26, 2014
Reg.	Ent. Reference No.			
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	30 Tex. Admin. Code §	290.45(b)(1)(C)(iii) and Tex. Health & Safety Code §	
			341.0315(c)	
		Failed to provide two or m	nore service pumps having a total capacity of 2.0 gallons	
	Violation Description	nor minuto ("anm") no	r connection. Specifically, the Facility had 480 service	
	Violation Description	connections, requiring a	minimum service pump capacity of 960 gpm. However,	
		only 950 gpn	n was provided, indicating a 1% deficiency.	
			Base Penalty	\$1,000
>> En	vironmental, Propei	rty and Human Health	h Matrix	
	Release	Harm Major Moderate	Minor	
OR	Actual		THINO	
	Potential		X Percent 3.0%	
		1		
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
			capacity could result in water outages and low pressure	
	Notes problem		s served by the Facility to an insignificant amount of	
	Notes	contaminants that would no	ot exceed levels protective of human health	
			Adjustment \$970	
			Г	\$30
			L	φου
Violati	on Events			
	Number of \	/iolation Events 1	Number of violation days	
			¬	
		daily		
		weekly		
		monthly	Violation Base Bonolty	¢20
		quarterly semiannual	Violation Base Penalty	\$30
		annual	-	
		single event x		
		Single event	_	
		One single	e event is recommended.	
Good F	Faith Efforts to Com	ply 0.0%	6 Reduction	\$0
300u 1	artii Enorts to com	Before NOE/NOV		Ψ0
		Extraordinary		
		Ordinary		
		N/A x		
		Notes The Respor	ndent does not meet the good faith criteria for	
			this violation.	
			Violation Subtotal	\$30
	unia Dan efit (ED) C	Abia dalaka		φ30
conoi	mic Benefit (EB) for		Statutory Limit Test	
	Estimate	ed EB Amount	\$485 Violation Final Penalty Total	\$46
		This vi	iolation Final Assessed Penalty (adjusted for limits)	\$50
				7 1

	_	•	-				
	E	conomic	Benefit	WO	rksheet		
Respondent	City of Scotts	/ille					
Case ID No.	57694						
Reg. Ent. Reference No.)					
	Public Water S						Years of
Violation No.		опры				Percent Interest	Depreciation
Violation No.	0						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	\$5,000	18-Dec-2018	7-May-2020	1.39	\$23	\$462	\$485
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
	The delay	ved costs include t	the estimated a	mount	to provide a total	pump capacity of 2.	0 apm per
Notes for DELAYED costs					•	cumenting the viola	• •
Notes for Bleates costs	Commedia	in carcaracca non			of compliance.	carrieriting the viola	cion to the
					'		
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d 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		<u> </u>		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
.10103 101 A 1 0 1 2 2 0 0 0 1 0							
Approx. Cost of Compliance		\$5,000			TOTAL		\$485

\$231

\$231

\$231

\$0

PCW 2 OF 2 Penalty Calculation Worksheet (PCW) PCW Revision March 26, 2014 Policy Revision 4 (April 2014) Assigned 28-May-2019 Screening 29-May-2019 **PCW** 31-May-2019 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Scottsville Reg. Ent. Ref. No. RN101227619 Major/Minor Source Minor Facility/Site Region 5-Tyler **CASE INFORMATION** Enf./Case ID No. 57694 No. of Violations 1 **Docket No. 2019-0677-PWS-E** Order Type Findings Media Program(s) Public Water Supply **Government/Non-Profit Yes Enf. Coordinator** Steven Hall Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section **TOTAL BASE PENALTY (Sum of violation base penalties)** \$150 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Fy 54.0% Adjustment Sub Enhancement for four NOVs with the same/similar violations, seven Subtotals 2, 3, & 7 **Compliance History** \$81 NOVs with dissimilar violations, and one agreed order containing a denial of liability Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 **\$0 Economic Benefit** Subtotal 6 **\$0** 0.0% Enhancement* Total EB Amounts *Capped at the Total EB \$ Amount Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** \$231 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

0.0%

No deferral is recommended for Findings Orders.

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 29-May-2019

Docket No. 2019-0677-PWS-E

PCW

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

Respondent City of Scottsville **Case ID No.** 57694

Reg. Ent. Reference No. RN101227619

Media Public Water Supply

Enf. Coordinator Steven Hall

		Compliance History Worksheet			
>> Co	Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%	
		Other written NOVs	7	14%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	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 (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		T T			
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	centage (Sub	total 2) [54%
>> Re	peat Violator	(Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	total 3)	0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Per	centage (Sub	total 7)	0%
>> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for four NOVs with the same/similar violations, seven NOVs with violations, and one agreed order containing a denial of liability.	n dissimilar		
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<i>3,</i> & <i>7</i>) [54%
>> Fina	al Compliance	History Adjustment			
		Final Adjustment Percenta	age *capped	at 100%	54%

	Screening Date		Docket No	2019-0677-PWS-E		PCW
	-	City of Scottsville			Policy	Revision 4 (April 2014)
_	Case ID No.				PCW R	evision March 26, 2014
Reg.	Ent. Reference No.					
		Public Water Supply				
	Enf. Coordinator					
	Violation Number					
	Rule Cite(s)	30 Tex	c. Admin. Code § 290.4	4(h)(1)(A)		
	Violation Description	establishments where an a	kflow prevention assem 0.47(f). Specifically, a p	amination hazard ex hbly ("BPA"), as ider public water supply l ft station without the	vists in the ntified in 30 line was	
				Ва	se Penalty	\$1,000
>> Env	vironmental, Propei	rty and Human Health	Matrix			
OR	Release Actual Potential	Harm Major Moderate	Minor	Percent 15.0%	6	
>>Pro	grammatic Matrix					
,,,	Falsification	Major Moderate	Minor	Percent 0.0%	6	
					<u> </u>	
		ave additional protections ma erved by the Facility being ex protecti				
			Ac	djustment	\$850	
					_	÷150
					L	\$150
Violatio	on Events					
Violati	on Events		_	<u>_</u>		
	Number of V	/iolation Events 1	21	Number of violation	n days	
		daily weekly monthly quarterly semiannual annual single event		Violation Ba	se Penalty	\$150
	One monthly	event is recommended, calcu to the date of	ulated from the date of screening, May 29, 20		lay 8, 2019,	
Good F	aith Efforts to Com	Ply 0.0% Before NOE/NOV		ment Offer	Reduction	\$0
		Extraordinary Extraordinary	NOL/NOV to LDPKP/Settler			
		Ordinary		i		
		N/A x				
			ndent does not meet th for this violation			
				Violatio	n Subtotal	\$150
Econon	nic Benefit (EB) for	this violation		Statutory Lim	it Test	
	Estimate	ed EB Amount	\$28	Violation Final Pe	nalty Total	\$231
					_	
		This viola	ation Final Assessed	Penalty (adjusted	for limits)	\$231

	F	conomic	Renefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.	City of Scotts 57694 RN101227619 Public Water S	ville				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	\$500	8-Mar-2019	25-Dec-2019	0.80	\$1	\$27	\$28
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	an air gap o date of t	r by installing a Bl he investigation in	PA at the conne nitially documen	ction ne ting th	ear the Sugar Crede violation to the	rotection is provided ek lift station, calcul estimated date of co	ated from the mpliance.
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d 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	<u>\$0</u>
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$28

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



Compliance History Report

Compliance History Report for CN600667943, RN101227619, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, CN600667943, City of Scottsville Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator:

Regulated Entity: RN101227619, CITY OF SCOTTSVILLE Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

LOCATED ON FM 2199 OFF UNITED STATES HWY 80 IN SCOTTSVILLE, HARRISON COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1020006

Compliance History Period: September 01, 2013 to August 31, 2018Rating Year: 2018Rating Date: 09/01/2018

Date Compliance History Report Prepared: May 13, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 13, 2014 to May 13, 2019

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

Name: Steven Hall **Phone:** (512) 239-2569

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:

Effective Date: 01/31/2017 ADMINORDER 2016-1312-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a

minimum of a Class "C" or higher license

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: 06/25/2018 (1523636)

Self Report? NO Classification: Moderate

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

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

Description: DLOOR MR 102018 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the first quarter of 2018 within the required

timeline.

2 Date: 06/28/2018 (1497687)

Self Report? NO Classification: Moderate

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

Description: Failure to notify the executive director prior to making any significant change or

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.118

Description: Failure to meet the requirements for Secondary Constituent Levels in regard to

Iron and Manganese.

3 Date: 08/24/2018 (1523636)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2016 Posting and Reporting Violation - Failure to submit a

signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the third quarter of 2016.

4 Date: 09/12/2018 (1511684)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failure to maintain the minimum required pressure of 35 pounds per square inch

(psi) at all points in the distribution system.

5 Date: 10/02/2018 (1523636)

Self Report? NO Classification: Moderate

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

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

Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the second quarter of 2018 within the

required timeline.

6 Date: 10/19/2018 (1519274)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)

Description: Failure to meet the requirements for Secondary Constituent Levels regarding

color.

7 Date: 12/07/2018 (1530880)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failure to maintain the minimum required pressure of 35 pounds per square inch

(psi) at all points in the distribution system.

8 Date: 01/18/2019 (1537708)

Self Report? NO Classification: Moderate

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

Description: Failure to notify the executive director prior to making any significant change or

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Self Report? NO Classification: Minor

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

Description: Failure to conduct an interior pressure tank inspection in the previous 5 years.

Self Report? NO Classification: Minor

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

Description: Failure to maintain water system records as required by Title 30 TAC subchapter

290.46(f).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.116(c)(3)(C)

Description: Failure to adequately record chlorine residual.

Self Report? NO Classification: Minor

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

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor

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

Description: Failure to have electrical wiring not within proper conduit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) Description: Failure to properly store full cylinders of chlorine.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to meet service pump capacity of two or more pumps that have a total

capacity of 2.0 gallons per minute per connection.

9 Date: 03/18/2019 (1552129)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 36, SubChapter A 26.121(a)(2)

2D TWC Chapter 26, SubChapter A 26.121(a)(2) 2D TWC Chapter 26, SubChapter A 26.121(a)(3)

Description:

Failure to prevent an unauthorized discharge (sewage) into or adjacent to any

water in the state;

On 3/8/2019 and 3/13/2019 the City of Scottsville was observed to be discharging as a sanitary sewer overflow from the Sugar Creek lift station into water of the state. The entity shall at all times ensure its systems of collection are properly operating and maintained in order to prevent unauthorized discharges as

described within the Texas Water Code.

10 Date: 03/22/2019 (1552027)

Self Report? NO Classification: Moderate

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

Description: Failure to notify the executive director prior to making any significant change or

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Self Report? NO Classification: Minor

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

Description: Failure to conduct an interior pressure tank inspection in the previous 5 years.

Self Report? NO Classification: Minor

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

Description: Failure to maintain water system records as required by Title 30 TAC subchapter

290.46(f).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.116(c)(3)(C)

Description: Failure to adequately record chlorine residual.

Self Report? NO Classification: Minor

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

Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor

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

Description: Failure to have electrical wiring not within proper conduit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) Description: Failure to properly store full cylinders of chlorine.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to meet service pump capacity of two or more pumps that have a total

capacity of 2.0 gallons per minute per connection.

11 Date: 04/26/2019 (1556651)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description:

Failure to protect a public water supply system water connection from an actual

or potential contamination hazard as identified in §290.47(i).

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 5/13/2014 and 5/13/2019

1 Date: 10/31/2016 (1523636)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2016 - The system failed to monitor and/or report distribution lead

and copper levels to the TCEQ for the triennial reduced monitoring period from

01/01/2014 to 12/31/2016 within the required timeline.

2 Date: 03/28/2017 (1523636)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a

signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period

from 01/01/2014 to 12/31/2016.

3 Date: 06/27/2017 (1523636)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

30 TAC Chapter 290, SubChapter F 290.122(f)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a) 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)

Description: MAY/2016 RTCR Routine MR PN Posting and Reporting Violation - Failure to

submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform

monitoring for the month of 05/2016.

4 Date: 06/30/2017 (1523636)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 4Q2016 Posting and Reporting Violation - Failure to submit a

signed certificate of delivery to the Executive Director certifying that public notice

was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the fourth quarter of 2016.

5* Date: 10/24/2017 (1523636)

> Classification: Moderate

For Informational Purposes Only NO Self Report?

30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B) Citation: 30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

LCR RD MR YR2017 - The system failed to monitor and/or report distribution lead Description:

and copper levels to the TCEQ for the annual reduced monitoring period from

01/01/2017 to 12/31/2017 within the required timeline.

6* Date: 01/02/2018 (1523636)

> Classification: Moderate

For Informational Purposes Only Self Report? NO

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

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

DLQOR MR 3Q2017 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the third quarter of 2017 within the

required timeline.

(1523636)Date: 03/27/2018

> Classification: Moderate

For Informational Purposes Only NO Self Report?

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

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

DLQOR MR 4Q2017 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the fourth quarter of 2017 within the

required timeline.

8* 06/25/2018 Date: (1523636)

> Classification: Moderate

For Informational Purposes Only Self Report? NO

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

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

DLQOR MR 1Q2018 - The system failed to monitor and/or report distribution Description:

disinfectant residuals to the TCEQ for the first quarter of 2018 within the required

timeline.

9* 06/28/2018 (1497687)Date:

> Classification: Moderate

For Informational Purposes Only Self Report? NO

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

Failure to notify the executive director prior to making any significant change or Description:

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Classification:

For Informational Purposes Only Self Report? NO

30 TAC Chapter 290, SubChapter F 290.118 Citation:

Failure to meet the requirements for Secondary Constituent Levels in regard to Description:

Iron and Manganese.

10* Date: 08/24/2018 (1523636)

> Classification: Moderate

For Informational Purposes Only NO Self Report?

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

30 TAC Chapter 290, SubChapter F 290.122(f)

DLQOR MR PN 3Q2016 Posting and Reporting Violation - Failure to submit a Description:

signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting

violation during the third quarter of 2016.

11 Date: 09/12/2018 (1511684)

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failure to maintain the minimum required pressure of 35 pounds per square inch

(psi) at all points in the distribution system.

12 Date: 10/02/2018 (1523636)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution

disinfectant residuals to the TCEQ for the second quarter of 2018 within the

required timeline.

13 Date: 10/19/2018 (1519274)

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)

Description: Failure to meet the requirements for Secondary Constituent Levels regarding

color.

14 Date: 12/07/2018 (1530880)

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failure to maintain the minimum required pressure of 35 pounds per square inch

(psi) at all points in the distribution system.

15 Date: 01/18/2019 (1537708)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to notify the executive director prior to making any significant change or

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to conduct an interior pressure tank inspection in the previous 5 years.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain water system records as required by Title 30 TAC subchapter

290.46(f).

Classification: Mino

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.116(c)(3)(C)

Description: Failure to adequately record chlorine residual.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have a monitoring plan.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have electrical wiring not within proper conduit.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) Description: Failure to properly store full cylinders of chlorine.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to meet service pump capacity of two or more pumps that have a total

capacity of 2.0 gallons per minute per connection.

16 Date: 03/18/2019 (1552129)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(2) 2D TWC Chapter 26, SubChapter A 26.121(a)(3)

Description:

Failure to prevent an unauthorized discharge (sewage) into or adjacent to any

water in the state;

On 3/8/2019 and 3/13/2019 the City of Scottsville was observed to be discharging as a sanitary sewer overflow from the Sugar Creek lift station into water of the state. The entity shall at all times ensure its systems of collection are properly operating and maintained in order to prevent unauthorized discharges as

described within the Texas Water Code.

17 Date: 03/22/2019 (1552027)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to notify the executive director prior to making any significant change or

addition to the system's production, treatment, storage, pressure maintenance, or

distribution facilities.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to conduct an interior pressure tank inspection in the previous 5 years.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain water system records as required by Title 30 TAC subchapter

290.46(f).

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.116(c)(3)(C)

Description: Failure to adequately record chlorine residual.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have a monitoring plan.

Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have electrical wiring not within proper conduit.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B) Description: Failure to properly store full cylinders of chlorine.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Description: Failure to meet service pump capacity of two or more pumps that have a total

capacity of 2.0 gallons per minute per connection.

18 Date: 04/26/2019 (1556651)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description:

Failure to protect a public water supply system water connection from an actual or potential contamination hazard as identified in §290.47(i).

Appendix B

All Investigations Conducted During Component Period May 13, 2014 and May 13, 2019

Item 1	September 20, 2016 [*]	(1357679) **For Informational Purposes Only
Item 2	October 16, 2018	(1523636) For Informational Purposes Only
Item 3	October 19, 2018	(1523881) For Informational Purposes Only
Item 4	December 06, 2018	(1530880) For Informational Purposes Only
Item 5	January 18, 2019	(1537708) For Informational Purposes Only
Item 6	March 21, 2019	(1552027) For Informational Purposes Only
Item 7	May 06, 2019	(1556053) For Informational Purposes Only
Item 8	May 08, 2019	(1556651) For Informational Purposes Only

^{*} No violations documented during this investigation

^{*} NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF SCOTTSVILLE;
RN101227619

§ 8	BEFORE THE
\$ \$ \$	TEXAS COMMISSION ON
§ §	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-0677-PWS-E

On ________, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Scottsville ("Respondent") under the authority of Tex. Health & Safety Code ch. 341. 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 supply located on Farm-to-Market Road 2199 off United States Highway 80 in Scottsville, Harrison County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 480 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. ADMIN. CODE § 290.38(71).
- 2. During a record review conducted on April 18, 2019, an investigator documented that Respondent:
 - a. Failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, during the May 16, 2018 investigation, Respondent was no longer using polyphosphate for the sequestration of iron and manganese.

- Additionally, during the December 18, 2018 investigation, Respondent was using an unapproved polyphosphate treatment;
- b. Failed to inspect the interior of the Facility's pressure tank at least once every five years;
- c. Failed to maintain the water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the following records were not available for review: the amount of water distributed each day, complaint records, the dates that dead-end mains were flushed, maintenance records for the water system equipment and facilities, copies of a public notice issued by the water system, and disinfectant monitoring results from the distribution system;
- d. Failed to measure the free chlorine residual to minimum accuracy of plus or minus 0.1 milligrams per liter ("mg/L"). Specifically, a collected free chlorine sample was at the top of the range, but was not diluted with chlorine-free water, nor was a reading taken and the resulting residual calculated;
- e. Failed to maintain an accurate and 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 did not include sample site locations or sampling frequency;
- f. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national code. Specifically, the electrical wiring at Well House No. 1 was not securely installed in conduit;
- g. Failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities. Specifically, chlorine gas cylinders were being stored outside on a concrete pad without protection from adverse weather conditions or vandalism;
- h. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, the Facility had 480 service connections, requiring a minimum service pump capacity of 960 gpm. However, only 950 gpm was provided, indicating a 1% deficiency, and
- i. Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly ("BPA"), as identified in 30 Tex. ADMIN CODE § 290.47(f). Specifically, a public water supply line was installed within the vicinity of the Sugar Creek lift station without the required additional protection.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a., Respondent failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of Tex. Health & Safety Code § 341.0351 and 30 Tex. Admin. Code § 290.39(j);
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to inspect the interior of the Facility's pressure tank at least once every five years, in violation of 30 Tex. ADMIN. CODE § 290.46(m)(1)(B);
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to maintain the water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), (f)(3)(A)(iv), (f)(3)(A)(vi), (f)(3)(B)(ii), and (f)(3)(B)(iii):
- 5. As evidenced by Finding of Fact No. 2.d., Respondent failed to measure the free chlorine residual to minimum accuracy of plus or minus 0.1 mg/L, in violation of 30 Tex. ADMIN. CODE § 290.110(d)(1);
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to maintain an accurate and 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);
- 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to ensure that the electrical wiring is securely installed in compliance with a local or national code, in violation of 30 Tex. ADMIN. CODE § 290.46(v);
- 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 Tex. ADMIN. CODE § 290.42(e)(4)(B);
- 9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of Tex. Health & Safety Code § 341.0315(c) and 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii);
- 10. As evidenced by Finding of Fact No. 2.i., Respondent failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or a backflow prevention assembly ("BPA"), as identified in 30 Tex. ADMIN CODE § 290.47(f), in violation of 30 Tex. ADMIN. CODE § 290.44(h)(1)(A).

- 11. Pursuant to Tex. Health & Safety Code § 341.049(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.
- 12. An administrative penalty in the amount of one thousand two hundred fifty-five dollars (\$1,255.00) 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(a). Respondent paid one thousand two hundred fifty-five dollars (\$1,255.00) of the penalty.

ORDERING PROVISIONS

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

- 1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 11 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
- 2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the free chlorine residual is measured to a minimum accuracy of plus or minus 0.1 mg/L, including but not limited to diluting samples with chlorine-free water, taking a reading, and calculating the resulting residual when a sample reads at the top of the range, in accordance with 30 Tex. ADMIN. CODE § 290.110 (Conclusion of Law No. 5);
 - ii. Conduct an inspection of the interior of the Facility's pressure tank, in accordance with 30 Tex. ADMIN. CODE § 290.46 (Conclusion of Law No. 3);
 - iii. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each day, complaint records, the dates that dead-end mains were flushed, maintenance records for the water system equipment and facilities, copies of a public notice issued by the water system, and disinfectant monitoring results from the distribution system, in accordance with 30 Tex. ADMIN. CODE § 290.46 (Conclusion of Law No. 4);
 - iv. Secure the electrical wiring in compliance with a local or national code at Well House No. 1, in accordance with 30 Tex. ADMIN. CODE § 290.46 (Conclusion of Law No. 7), and
 - v. Ensure that a proper BPA or air gap is provided at the location where an actual or potential contamination hazard exists, including

but not limited to the connection near the Sugar Creek lift station, in accordance with 30 Tex. Admin. Code § 290.44 (Conclusion of Law No. 10).

- b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.k., to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.v.
- c. Within 60 days after the effective date of this Order, update and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 Tex. Admin. Code § 290.121 (Conclusion of Law No. 6).
- d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.k., to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Order, properly house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facility, in accordance with 30 Tex. Admin. Code § 290.42 (Conclusion of Law No. 8).
- f. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.k., to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Order:
 - i. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including the discontinued use of polyphosphate for the sequestration of iron and manganese, and/or the use of an alternative polyphosphate treatment, in accordance with 30 Tex. Admin. Code § 290.39 (Conclusion of Law No. 2). The plans, specifications, and reports shall be submitted to:

Plan Review Team Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 Tex. ADMIN. CODE § 290.45 (Conclusion of Law No. 9).
- h. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.k., to demonstrate compliance with Ordering Provision Nos. 2.g.i. and 2.g.ii.

- i. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 Tex. ADMIN. CODE § 290.39 (Conclusion of Law No. 2).
- j. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.k., to demonstrate compliance with Ordering Provision No. 2.i.
- k. The certifications required by these Ordering Provisions 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 certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Order Compliance Team Texas Commission on Environmental Quality Enforcement Division, MC 149A 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 Order Compliance Team 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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Frint Chanallox	1/12/22
For the Executive Director	Date
agree to the attached Order, and I do	derstand the attached Order. I am authorized to agree to the terms and conditions specified the TCEQ, in accepting payment for the penalty representation.
I also understand that failure to com and/or failure to timely pay the pena	ply with the Ordering Provisions in this Order alty amount may result in:
 A negative impact on compliance 	history;
 Greater scrutiny of any permit ap 	oplications;
 Referral of this case to the Attornadditional penalties, and/or attornador 	ney General's office for contempt, injunctive relief mey fees, or to a collection agency;
 Increased penalties in any future 	enforcement actions;
 Automatic referral to the Attorne actions; and 	ey General's office of any future enforcement
 TCEQ seeking other relief as auth 	norized by law.
In addition, I understand that any fain criminal prosecution.	lsification of any compliance documents may resu
The AMIN	9/29/2021
Signature	Date
John C. Pritchard	Secretary - Treasurer
Name (Printed or typed) Authorized representative of City of Scottsville	Title