

**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

**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

**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.

**City of Scottsville**  
RN101227619  
Docket No. 2019-0677-PWS-E

**Litigation Information**

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	13-May-2019	<b>Screening</b>	13-May-2019	<b>EPA Due</b>	
	<b>PCW</b>	13-May-2019				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	City of Scottsville				
<b>Reg. Ent. Ref. No.</b>	RN101227619				
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor		

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	57694	<b>No. of Violations</b>	8
<b>Docket No.</b>	2019-0677-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Hall
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$640
---	-------------------	-------

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

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

<b>Compliance History</b>	54.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$345
---------------------------	------------------	--------------------------------	-------

Notes: Enhancement for four NOVs with the same/similar violations, seven NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts: \$1,024  
 Estimated Cost of Compliance: #NAME?  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$985
-----------------------------	-----------------------	-------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$985
-----------------------------	-------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,024
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
-----------------	------	-----------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,024
------------------------	---------

<b>Screening Date</b>	13-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

### 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> )	4	20%
	Other written NOVs	7	14%
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)** 54%

>> **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 four NOVs with the same/similar violations, seven NOVs with dissimilar violations, and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 54%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 54%

<b>Screening Date</b>	13-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341.0351			
<b>Violation Description</b>	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, the Respondent was no longer using polyphosphate for the sequestration of iron and manganese. Additionally, during the December 18, 2018 investigation, the Respondent was using an unapproved polyphosphate treatment.			
		<b>Base Penalty</b>	\$1,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 5.0%

Matrix Notes: 100% of the rule requirements were not met.

**Adjustment** \$950  
\$50

**Violation Events**

Number of Violation Events: 1      25 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

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** \$50

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$297	Violation Final Penalty Total \$77
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$77	

## Economic Benefit Worksheet

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

### 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**  
 The delayed cost includes the estimated amount to notify and receive approval from the Executive Director prior to making any significant changes to the water system, calculated from the date of the investigation initially documenting the violation 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** \$3,000

**TOTAL** \$297



<b>Screening Date</b> 13-May-2019	<b>Docket No.</b> 2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Scottsville		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57694		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101227619		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)(1)(B)	
<b>Violation Description</b>	Failed to inspect the interior of the Facility's pressure tank at least once every five years.	
	<b>Base Penalty</b>	\$1,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 15.0%
Potential	x	<input type="text"/>	<input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 0.0%
Matrix Notes	Failure to inspect the pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.				
	<b>Adjustment</b>				\$850
					\$150

<b>Violation Events</b>					
	Number of Violation Events	1	Number of violation days	25	
	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
	<b>Violation Base Penalty</b>				\$150
One single event is recommended.					

<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b>	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input type="text"/>	<input type="text"/>	
	N/A	x	<input type="text"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>			\$150

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$50	<b>Violation Final Penalty Total</b>	\$231
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$231

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**Media Violation No.** Public Water Supply  
 2

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)				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	18-Dec-2013	13-May-2019	5.40	\$7	\$43	\$50
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 cost includes the estimated amount to inspect the interior surface of the pressure tank (\$41 per tank x one pressure tank, annualized), calculated from five years prior to the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance \$43

**TOTAL** \$50

<b>Screening Date</b>	13-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2) and (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)			
<b>Violation Description</b>	Failed to maintain 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.			
		<b>Base Penalty</b>	\$1,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
				x	<b>Percent</b> 1.0%
<b>Matrix Notes</b>	Less than 30% of the rule requirements were not met.				
					<b>Adjustment</b> \$990

**Violation Events**

Number of Violation Events	1	25	Number of violation days	
	daily			<b>Violation Base Penalty</b> \$10
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
	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		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		

**Violation Subtotal** \$10

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$2	<b>Violation Final Penalty Total</b> \$15
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$50	

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**Media Violation No.** Public Water Supply  
 3

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	\$45	18-Dec-2018	25-Dec-2019	1.02	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to compile and maintain water system operating and maintenance records and make them immediately available upon request by agency personnel, calculated from the date of the investigation initially documenting the violation 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

<b>Screening Date</b>	13-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**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)	\$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.

### 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

<b>Screening Date</b> 13-May-2019	<b>Docket No.</b> 2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Scottsville		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57694		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101227619		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**Media Violation No.** Public Water Supply  
 5

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	18-Dec-2018	8-Jan-2020	1.06	\$10	n/a	\$10

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to update and begin maintaining an up-to-date monitoring plan for the Facility, calculated from the date of the investigation initially documenting the violation 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** \$10



<b>Screening Date</b>	13-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

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.

**Base Penalty**

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Failure to ensure all electrical wiring is installed in compliance with a local or national code could cause equipment malfunctions resulting in low pressure or outages which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended, calculated from the date of the investigation, April 18, 2019, to the date of screening, May 13, 2019.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

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

### Delayed Costs

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	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to secure all electrical wiring in compliance with a local or national code, calculated from the date of the investigation initially documenting the violation 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**

<b>Approx. Cost of Compliance</b>	\$200	<b>TOTAL</b>	\$15
-----------------------------------	-------	--------------	------

<b>Screening Date</b> 13-May-2019	<b>Docket No.</b> 2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Scottsville		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57694		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101227619		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**Media Violation No.** Public Water Supply  
 7

Percent Interest	Years of Depreciation
5.0	15

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

### 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 delayed cost includes the estimated amount to properly house the chlorine cylinders, calculated from the date of the investigation initially documenting the violation 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** \$2,000

**TOTAL** \$160

<b>Screening Date</b> 13-May-2019	<b>Docket No.</b> 2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Scottsville		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57694		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101227619		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		
<b>Violation Number</b> 8		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	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.	
	<b>Base Penalty</b>	\$1,000

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

<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	x
				<b>Percent</b> 3.0%

**>> Programmatic Matrix**

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

Matrix Notes: Failure to provide adequate service pump capacity could result in water outages and low pressure problems, and could expose persons served by the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health

**Adjustment**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="25"/>														
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20%;">daily</td><td style="width:80%;"><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x		<b>Violation Base Penalty</b> <input type="text" value="\$30"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	x															
One single event is recommended.																

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$485"/>	Violation Final Penalty Total <input type="text" value="\$46"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$50"/>	

## Economic Benefit Worksheet

**Respondent** City of Scottsville  
**Case ID No.** 57694  
**Reg. Ent. Reference No.** RN101227619  
**Media Violation No.** Public Water Supply  
 8

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	\$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

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a total pump capacity of 2.0 gpm per connection, calculated from the date of the investigation initially documenting the violation 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**

\$485



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	28-May-2019	<b>Screening</b>	29-May-2019	<b>EPA Due</b>	
	<b>PCW</b>	31-May-2019				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Scottsville
<b>Reg. Ent. Ref. No.</b>	RN101227619
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	57694	<b>Order Type</b>	Findings
<b>Docket No.</b>	2019-0677-PWS-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Steven Hall
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$150
---	-------------------	-------

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

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

<b>Compliance History</b>	54.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$81
---------------------------	------------------	--------------------------------	------

Notes: Enhancement for four NOVs with the same/similar violations, seven NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

Total EB Amounts: \$28  
 Estimated Cost of Compliance: \$500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$231
-----------------------------	-----------------------	-------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$231
-----------------------------	-------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$231
-----------------------------------	-------------------------------	-------

<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
-----------------	------	-----------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$231
------------------------	-------

<b>Screening Date</b>	29-May-2019	<b>Docket No.</b>	2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Scottsville			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	57694			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN101227619			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

### 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> )	4	20%
	Other written NOVs	7	14%
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)** 54%

>> **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 four NOVs with the same/similar violations, seven NOVs with dissimilar violations, and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 54%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 54%



<b>Screening Date</b> 29-May-2019	<b>Docket No.</b> 2019-0677-PWS-E	<b>PCW</b>
<b>Respondent</b> City of Scottsville		<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b> 57694		<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b> RN101227619		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code § 290.44(h)(1)(A)

**Violation Description**

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.

**Base Penalty**

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

**OR**

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

**Matrix Notes**

Failure to have additional protections may allow backflow and siphonage to occur resulting in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One monthly event is recommended, calculated from the date of the investigation, May 8, 2019, to the date of screening, May 29, 2019.

**Good Faith Efforts to Comply**

**0.0%**

**Reduction**

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

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

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

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

## Economic Benefit Worksheet

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

### 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**  
 The delayed cost includes the estimated amount to ensure additional protection is provided in the form of an air gap or by installing a BPA at the connection near the Sugar Creek lift station, calculated from the date of the investigation initially documenting the violation 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** \$28

The TCEQ is committed to accessibility.

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



# 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, or Owner/Operator:** CN600667943, City of Scottsville **Classification:** NOT APPLICABLE **Rating:** N/A  
**Regulated Entity:** RN101227619, CITY OF SCOTTSVILLE **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 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, 2018 **Rating Year:** 2018 **Rating 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:**

- 1 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: DLQOR MR 1Q2018 - 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 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 RTRC 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



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: 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.

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).

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

## 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

\*\*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

§  
§  
§  
§  
§  
§

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
  - ii. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

Erin E. Chanallop

1/12/22

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
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

9/29/2021

\_\_\_\_\_  
Date

John C. Pritchard

\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
City of Scottsville

Secretary - Treasurer

\_\_\_\_\_  
Title

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

\_\_\_\_\_