

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 55516  
THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231,  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
RN110053949  
Docket No. 2019-1329-PWS-E

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**Order Type:**  
Findings Agreed Order

**Findings Order Justification:**  
Indifference to legal duty based on violation of a previous order.

**Media:**  
PWS

**Small Business:**  
N/A

**Location(s) Where Violation(s) Occurred:**  
133 Army Avenue, Pottsboro, Grayson County

**Type of Operation:**  
Public Water System

**Other Significant Matters:**

Additional Pending Enforcement Actions:	Yes, 2023-0444-UTL-E
Past-Due Penalties:	None
Past-Due Fees:	\$1.90
Other:	None
Interested Third Parties:	None

**Texas Register Publication Date:** June 7, 2024

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$2,600

**Total Paid to General Revenue:** \$2,600

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

**Compliance History Classifications:**  
Person/CN - N/A  
Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$110, enhancement

**Applicable Penalty Policy:** April 2014

**Investigation Information**

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

**Date(s) of Investigation:** May 21, 2019

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** August 29, 2019

**Violation Information**

1. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the PWS until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision No. 2.a.].
2. Failed to provide a well capacity of 0.6 gallons per minute per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i)].
3. Failed to provide a pressure tank capacity of 20 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv)].
4. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
5. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].
6. Failed to adopt an accurate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
7. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].
8. Failed to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].
9. Failed to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
10. Failed to ensure that the Facility's potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.43(e)].
11. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
12. Failed to provide an accurate and up-to-date map of the distribution system so that the valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
13. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
14. Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].
15. Failed to furnish a copy of the well completion data for review and approval by the Executive Director prior to placing the Facility's public drinking water well into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision Nos. 2.c. and 2.e.].
16. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].

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17. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(III)].
18. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Respondent implemented the following corrective measures at the Facility:

As of December 1, 2020:

1. Incorporated provisions for proper enforcement into the service agreement maintained by the Facility;
2. Updated its chemical and microbiological monitoring plan to identify all sampling locations, describe the sampling frequency, and specify the procedures and laboratories that the Facility uses;
3. Updated the Facility's distribution system map so that it accurately reflects the Facility's distribution system;
4. Compiled and provided a plant operations manual; and
5. Began recording the amount of water distributed each week by the Facility.

As of November 1, 2022:

6. Respondent's PWS interconnected with a regional water provider to supply treated drinking water to its customers, and that on August 16, 2023, it capped the groundwater well it previously used to provide water at the Facility—addressing violations 1,2, 3, 7, 8, 9, 10, 11, and 15.

**Technical Requirements:**

1. Within 90 days:
  - a. Provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use;
  - b. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days;
  - c. Verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations; and
  - d. Post a legible sign at the Facility's treatment and storage facilities that contain the name of the Facility and an emergency telephone number where a responsible official can be contacted.
2. Within 105 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.d.

**Litigation Information**

<b>Date Petition(s) Filed:</b>	November 13, 2020
<b>Date(s) of Service:</b>	November 16, 2020
<b>Date Answer(s) Filed:</b>	December 7, 2020

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**SOAH Referral Date:** November 4, 2021

**Hearing Date(s):**

    Preliminary hearing: January 13, 2022

    Evidentiary hearing: April 27, 2023 (scheduled); continued without a future setting

**Settlement Date:** March 29, 2024

**Contact Information**

**TCEQ Attorneys:** Jim Sallans, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, (210) 403-4077

**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Dan Kovach, Commander, THE AMERICAN LEGION, MISSING IN ACTION POST  
NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
133 Army Avenue, Pottsboro, Texas 75076-3815

**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>	3-Sep-2019	<b>Screening</b>	16-Sep-2019	<b>EPA Due</b>	
	<b>PCW</b>	19-Jun-2020				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION,				
<b>Reg. Ent. Ref. No.</b>	DEPARTMENT OF TEXAS, POTTSBORO, TEXAS				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	55516	<b>No. of Violations</b>	18
<b>Docket No.</b>	2019-1329-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>	Yuliya Dunaway
		<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>	\$2,075
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$415
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<b>Notes</b>	Enhancement due to one agreed order containing a denial of liability.
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,334	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$32,599	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,490
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$2,490
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,600
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$2,600
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<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent Case ID No.</b>	55516	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS		
<b>Reg. Ent. Reference No.</b>	RN110053949			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
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)** 20%

### >> 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 due to one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 20%

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE			
<b>Case ID No.</b>	AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Reg. Ent. Reference No.</b>	55516	Policy Revision 4 (April 2014)		
<b>Media</b>	RN110053949	PCW Revision March 26, 2014		
<b>Enf. Coordinator</b>	Public Water Supply			
<b>Violation Number</b>	Yuliya Dunaway			
<b>Rule Cite(s)</b>	1			
<b>Violation Description</b>	30 Tex. Admin. Code § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision No. 2.a			
Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the Facility is decommissioned.				
<b>Base Penalty</b>				\$1,000

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

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

**>> Programmatic Matrix**

<b>Matrix Notes</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		x			
100% of the rule requirements were not met.					5.0%

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events	1	426	Number of violation days
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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%	
		<b>Reduction</b>
		\$0

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

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

**Violation Subtotal** \$50

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

**Statutory Limit Test**

<b>Estimated EB Amount</b>	\$102	<b>Violation Final Penalty Total</b>	\$60
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$1,000	17-Jul-2018	1-Aug-2020	2.04	\$102	n/a	\$102

**Notes for DELAYED costs**

The delayed costs include the estimated amount to begin maintaining accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0048-PWS-E to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,000

**TOTAL**

\$102



<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	Policy Revision 4 (April 2014)		
<b>Reg. Ent. Reference No.</b>	RN110053949	PCW Revision March 26, 2014		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(B)(i) and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to provide a well capacity of 0.6 gallon per minute ("gpm") per connection. Specifically, the Facility had 47 connections requiring a well capacity of 28.2 gpm. However, the Facility only provided 8 gpm, indicating a 72% deficiency.			
<b>Base Penalty</b>				\$1,000

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">15.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">0.0%</span>

Matrix Notes: Failure to provide adequate well capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events	2	102	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

**Violation Base Penalty** \$300

Two quarterly events are recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	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** \$300

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

<b>Estimated EB Amount</b>	\$1,525	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 0 10px;">\$360</span>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 0 10px;">\$360</span>

## Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$15,000	21-May-2019	1-Nov-2020	1.45	\$73	\$1,452	\$1,525
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 necessary to provide a well capacity of 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,000

**TOTAL**

\$1,525

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent Case ID No.</b>	55516	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(B)(iv) and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 47 connections requiring a pressure tank capacity of 940 gallons. However, the Facility only provided 255 gallons of pressure tank capacity, indicating a 73% 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				
	Potential	x			<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

  

Matrix Notes	Failure to provide adequate pressure tank capacity could result in water outages and low pressure problems, exposing persons served by the Facility to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$850
\$150	

  

**Violation Events**

Number of Violation Events	2	102	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x			<b>Violation Base Penalty</b> \$300
	semiannual				
	annual				
	single event				

  

Two quarterly events are recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>			<b>Reduction</b> \$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.			
<b>Violation Subtotal</b>				\$300

  

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

<b>Estimated EB Amount</b>	\$1,016		<b>Statutory Limit Test</b>	
			<b>Violation Final Penalty Total</b>	\$360
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$360

# Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment	\$10,000	21-May-2019	1-Nov-2020	1.45	\$48	\$968	\$1,016
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 necessary to provide a pressure tank capacity of 20 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$1,016

**Screening Date** 16-Sep-2019**Docket No.** 2019-1329-PWS-E**PCW****Respondent**THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

Policy Revision 4 (April 2014)

**Case ID No.**

55516

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN110053949**Media**

Public Water Supply

**Enf. Coordinator**

Yuliya Dunaway

**Violation Number**

4

**Rule Cite(s)**

30 Tex. Admin. Code § 290.110(c)(4)(A)

**Violation Description**Failed to monitor the disinfectant residual at representative locations in the  
distribution system at least once every seven days. Specifically, disinfectant residual  
measurements were only taken once per month.**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

**Percent** 0.0%Matrix  
NotesFailure to monitor the disinfectant residual at the required frequency could expose persons served  
by the Facility to a significant amount of contaminants which would not exceed levels protective of  
human health.**Adjustment** \$950

\$50

## Violation Events

Number of Violation Events 1

102 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

**Violation Base Penalty** \$50One semiannual event is recommended, calculated from the date of the investigation, May 21,  
2019, to August 31, 2019.

## Good Faith Efforts to Comply

0.0%

**Reduction** \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondent does not meet the good faith criteria for  
this violation.**Violation Subtotal** \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

**Estimated EB Amount** \$124**Violation Final Penalty Total** \$60**This violation Final Assessed Penalty (adjusted for limits)** \$60

## Economic Benefit Worksheet

<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS
<b>Case ID No.</b>	55516
<b>Reg. Ent. Reference No.</b>	RN110053949
<b>Media Violation No.</b>	Public Water Supply 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)				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	\$360	14-May-2019	16-Sep-2019	0.34	\$1	\$123	\$124
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to conduct weekly monitoring of the disinfectant residual which is being rotated throughout representative locations within the distribution system (\$10 per week x three weeks per month, annualized), calculated from seven days prior to the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$123

**TOTAL**

\$124

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(s)(2)(C)(i)			
<b>Violation Description</b>	Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.			
<b>Base Penalty</b>				\$1,000

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual					
	Potential		x			

**Percent** 5.0%

**>> Programmatic Matrix**

<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	

**Percent** 0.0%

**Matrix Notes**

Failure to verify the accuracy of the manual disinfectant residual analyzer could cause inaccurate data collection and prevent detection of disinfectant residual problems, thus exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1      102      Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

**Violation Base Penalty** \$50

One semiannual event is recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

**Good Faith Efforts to Comply**      **0.0%**      Reduction \$0

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

**Violation Subtotal** \$50

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

**Estimated EB Amount** \$12      **Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60

## Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

5

Percent Interest	Years of Depreciation
5.0	15

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

### 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	\$20	20-Feb-2019	16-Sep-2019	0.57	\$1	\$11	\$12
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days (\$5 per 90-day period, annualized), calculated from 90 days prior to the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$11

**TOTAL**

\$12



**Screening Date** 16-Sep-2019**Docket No.** 2019-1329-PWS-E**PCW****Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
**Case ID No.** AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
55516

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN110053949**Media** Public Water Supply**Enf. Coordinator** Yuliya Dunaway**Violation Number** 6**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(i)**Violation Description**

Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the service agreement the water system maintained did not contain provisions for proper enforcement.

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

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
		x	

**Percent** 2.5%Matrix  
Notes

Between 70% and 30% of the rule requirements were not met.

**Adjustment** \$975

\$25

**Violation Events**

Number of Violation Events 1 118 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$25

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** \$25**Economic Benefit (EB) for this violation****Statutory Limit Test****Estimated EB Amount** \$11**Violation Final Penalty Total** \$30**This violation Final Assessed Penalty (adjusted for limits)** \$50

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**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)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	21-May-2019	1-Aug-2020	1.20	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the estimated amount to adopt an adequate plumbing ordinance, regulations, or service agreement, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$180

**TOTAL**

\$11

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014) PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(v)			
<b>Violation Description</b>	Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring for the well was loose and not in conduit.			
<b>Base Penalty</b>				\$1,000

  

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

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual				
	Potential	x			
					<b>Percent</b> 15.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to install all electrical wiring in compliance with a local or national code may cause equipment malfunctioning which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

  

**Violation Events**

Number of Violation Events	2	102	Number of violation days
----------------------------	---	-----	--------------------------

	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

**Violation Base Penalty** \$300

Two quarterly events are recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b> \$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** \$300

  

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

<b>Estimated EB Amount</b>	\$15	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$360
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$360

# Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	21-May-2019	1-Jun-2020	1.03	\$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 costs include the estimated amount to ensure that all electrical wiring at the Facility is installed in accordance with a local or national electrical code, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$200

**TOTAL**

\$15

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	8			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(J)			
<b>Violation Description</b>	Failed to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot.			
<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> 15.0%
Potential	x				

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to provide a concrete sealing block could result in a flow of contaminants into the water well which would exceed levels protective of human health.
--------------	--

**Adjustment** \$850

\$150

  

**Violation Events**

Number of Violation Events	2	102	Number of violation days
----------------------------	---	-----	--------------------------

	daily		
	weekly		
	monthly		
	quarterly	x	<b>Violation Base Penalty</b> \$300
	semiannual		
	annual		
	single event		

Two quarterly events are recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b> \$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** \$300

  

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

<b>Estimated EB Amount</b>	\$42	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$360

**This violation Final Assessed Penalty (adjusted for limits)** \$360

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

8

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	21-May-2019	1-Aug-2020	1.20	\$2	\$40	\$42
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 the well with a concrete sealing block to convey drainage away from the wellhead, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$42

Screening Date 16-Sep-2019

Docket No. 2019-1329-PWS-E

PCW

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**Media** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 9**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(K)**Violation Description**

Failed to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water. Specifically, the Facility's well did not have a well casing vent.

**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Matrix Notes

Failure to properly vent the wellhead could result in the introduction of a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

## Violation Events

Number of Violation Events 1 102 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	x
annual	
single event	

**Violation Base Penalty** \$50

One semiannual event is recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

## Good Faith Efforts to Comply

0.0%

**Reduction** \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

**Violation Subtotal** \$50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

**Estimated EB Amount** \$42**Violation Final Penalty Total** \$60**This violation Final Assessed Penalty (adjusted for limits)** \$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	21-May-2019	1-Aug-2020	1.20	\$2	\$40	\$42
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 well casing vent for the Facility's well, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$42



<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(e)			
<b>Violation Description</b>	Failed to ensure that the Facility's potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the Facility's potable water storage tank was not enclosed by an intruder-resistant fence.			
<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				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to provide an intruder-resistant fence could make the potable water storage susceptible to vandalism, thus exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

**Adjustment** \$850

\$150

**Violation Events**

Number of Violation Events	2	102	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly	x	<b>Violation Base Penalty</b> \$300
	semiannual		
	annual		
	single event		

Two quarterly events are recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

**Good Faith Efforts to Comply**

	0.0%	
		<b>Reduction</b> \$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** \$300

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$168
<b>Violation Final Penalty Total</b>	\$360
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$360	

## Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$2,000	21-May-2019	1-Aug-2020	1.20	\$8	\$160	\$168
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 enclose the Facility's potable water storage tank by an intruder-resistant fence with lockable gates, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$168

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent Case ID No.</b>	55516	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	11			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a) and (b)			
<b>Violation Description</b>	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements.			
		<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					
	Potential					
					<b>Percent</b>	0.0%

  

**>> Programmatic Matrix**

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

  

<b>Matrix Notes</b>	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$950
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	\$50
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**Violation Events**

Number of Violation Events	1	Number of violation days	118
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

  

<b>Violation Base Penalty</b>	\$50
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One single event is recommended.	
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**Good Faith Efforts to Comply**

	<b>0.0%</b>			
	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.			

  

<b>Violation Subtotal</b>	\$50
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**Economic Benefit (EB) for this violation**

<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$9
<b>Violation Final Penalty Total</b>	\$60
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
	\$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	21-May-2019	1-Jun-2020	1.03	\$9	n/a	\$9
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 develop and maintain the Facility's chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$180

**TOTAL**

\$9

**Screening Date** 16-Sep-2019**Docket No.** 2019-1329-PWS-E**PCW****Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE

Policy Revision 4 (April 2014)

**Case ID No.** 55516

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN110053949**Media** Public Water Supply**Enf. Coordinator** Yuliya Dunaway**Violation Number** 12**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(n)(2)**Violation Description**

Failed to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the distribution system map has not been updated since changes were made to the distribution system.

**Base Penalty** \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

**Percent** 1.0%**Matrix Notes**

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

**Adjustment** \$990

\$10

## Violation Events

Number of Violation Events 1 118 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$10

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

**Reduction** \$0

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

Extraordinary	
Ordinary	
N/A	x

**Notes**

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

**Violation Subtotal** \$10

## Economic Benefit (EB) for this violation

## Statutory Limit Test

**Estimated EB Amount** \$9**Violation Final Penalty Total** \$12**This violation Final Assessed Penalty (adjusted for limits)** \$50

# Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	21-May-2019	1-Jun-2020	1.03	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the estimated amount to maintain an accurate and up-to-date map of the distribution system so that all valves and mains can be easily located, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$180

**TOTAL**

\$9

**Screening Date** 16-Sep-2019 **Docket No.** 2019-1329-PWS-E  
**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
**Case ID No.** 55516 AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**PCW**

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

**Violation Number** 13

**Rule Cite(s)** 30 Tex. Admin. Code § 290.42(l)

**Violation Description** Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

**Base Penalty** \$1,000

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

**OR**

	<b>Harm</b>		
<b>Release</b>	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor
		x		

**Percent** 5.0%

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

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1 118 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

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

**Statutory Limit Test**

**Estimated EB Amount** \$10

**Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

13

**Percent Interest**

**Years of Depreciation**

5.0

15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	21-May-2019	1-Jul-2020	1.12	\$10	n/a	\$10
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 compile and maintain a thorough plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$180

**TOTAL**

\$10



<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent Case ID No.</b>	55516	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	14			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(3)(D)			
<b>Violation Description</b>	Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use.			
<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				
	Potential		x		<b>Percent</b> 5.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use would not allow means for proper levels of disinfection, and persons served by the Facility could be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events	1	102	Number of violation days
----------------------------	---	-----	--------------------------

	daily				
	weekly				
	monthly				
	quarterly				
	semiannual	x			
	annual				
	single event				

**Violation Base Penalty** \$50

One semiannual event is recommended, calculated from the date of the investigation, May 21, 2019, to August 31, 2019.

**Good Faith Efforts to Comply**

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

**Violation Subtotal** \$50

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

<b>Estimated EB Amount</b>	\$36
<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b>	\$60
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

14

**Percent Interest**

5.0

**Years of Depreciation**

15

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

Equipment	\$500	21-May-2019	1-Jun-2020	1.03	\$2	\$34	\$36
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed costs include the estimated amount to provide facilities for determining the amount of disinfectant used daily and remaining for use, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$500

**TOTAL**

\$36

**Screening Date** 16-Sep-2019 **Docket No.** 2019-1329-PWS-E  
**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
**Case ID No.** AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Reg. Ent. Reference No.** 55516  
**Media** RN110053949  
**Enf. Coordinator** Public Water Supply  
Yuliya Dunaway

**PCW**

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

**Violation Number** 15

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision Nos. 2.c and 2.e

**Violation Description**

Failed to furnish a copy of the well completion data for review and approval by the Executive Director prior to placing the Facility's public drinking water well into service.

**Base Penalty** \$1,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

**>>Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

**Percent** 5.0%

**Matrix Notes**

100% of the rule requirements were not met.

**Adjustment** \$950

\$50

**Violation Events**

**Number of Violation Events** 1 **426** **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

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

**Statutory Limit Test**

**Estimated EB Amount** \$172

**Violation Final Penalty Total** \$60

**This violation Final Assessed Penalty (adjusted for limits)** \$60

# Economic Benefit Worksheet

**Respondent**

THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS

**Case ID No.**

55516

**Reg. Ent. Reference No.**

RN110053949

**Media**

Public Water Supply

**Violation No.**

15

**Percent Interest**

**Years of Depreciation**

5.0

15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-Jul-2018	1-Nov-2020	2.30	\$172	n/a	\$172

**Notes for DELAYED costs**

The delayed costs include the estimated amount to furnish a copy of the well completion data for review and approval, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0048-PWS-E to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,500

**TOTAL**

\$172

**Screening Date** 16-Sep-2019 **Docket No.** 2019-1329-PWS-E

**PCW**

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

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

**Violation Number** 16

**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(t)

**Violation Description** Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, a system ownership sign was not posted at the well site and the plant.

**Base Penalty** \$1,000

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

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

**Percent** 0.0%

**>> Programmatic Matrix**

Falsification			
	Major	Moderate	Minor
	x		

**Percent** 5.0%

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

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 2 118 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$100

Two single events are recommended (one per location).

**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** \$100

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

**Statutory Limit Test**

**Estimated EB Amount** \$16

**Violation Final Penalty Total** \$120

**This violation Final Assessed Penalty (adjusted for limits)** \$120

## Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 16

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	21-May-2019	1-Jul-2020	1.12	\$1	\$15	\$16
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 post an ownership sign at the Facility's water well and at the plant (\$100 per sign x two locations), calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$16

<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	17			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(ii)(III)			
<b>Violation Description</b>	Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records of the amount of water distributed each week were not available for review.			
<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%

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

\$10

**Violation Events**

Number of Violation Events	1		118	Number of violation days
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	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**

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

**Violation Subtotal** \$10

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$2
	<b>Violation Final Penalty Total</b> \$12
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$50	

# Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 17

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	21-May-2019	1-Jun-2020	1.03	\$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 costs include the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by Agency personnel, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$45

**TOTAL**

\$2



<b>Screening Date</b>	16-Sep-2019	<b>Docket No.</b>	2019-1329-PWS-E	<b>PCW</b>
<b>Respondent</b>	THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE			
<b>Case ID No.</b>	55516	<i>Policy Revision 4 (April 2014)</i>		
<b>Reg. Ent. Reference No.</b>	RN110053949	<i>PCW Revision March 26, 2014</i>		
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Yuliya Dunaway			
<b>Violation Number</b>	18			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(m)			
<b>Violation Description</b>	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the annular space around the well head was deteriorated.			
<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				
	Potential			x	<b>Percent</b>
					3.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b>
					0.0%

  

Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in persons served by the Facility being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.
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<b>Adjustment</b>	\$970
<b>\$30</b>	

  

**Violation Events**

Number of Violation Events	1	Number of violation days	118
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	daily		<b>Violation Base Penalty</b>	\$30
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

  

One single event is recommended.
----------------------------------

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>		<b>Reduction</b>	\$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.			
<b>Violation Subtotal</b>				\$30

  

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

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$22
<b>Violation Final Penalty Total</b>	\$36
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$50	

# Economic Benefit Worksheet

**Respondent** THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF  
**Case ID No.** 55516  
**Reg. Ent. Reference No.** RN110053949  
**Media** Public Water Supply  
**Violation No.** 18

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$300	21-May-2019	1-Jun-2020	1.03	\$1	\$21	\$22
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the annular space around the well head, calculated from the date of the investigation to the estimated date of compliance.

## Avoided Costs

### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

**TOTAL**

\$22



# Compliance History Report

Compliance History Report for CN605444256, RN110053949, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

<b>Customer, Respondent, or Owner/Operator:</b>	CN605444256, THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN110053949, AMERICAN LEGION MIA POST 231	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	133 ARMY AVENUE NEAR POTTSBORO, GRAYSON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0910153		
<b>Compliance History Period:</b>	September 01, 2014 to August 31, 2019	<b>Rating Year:</b> 2019	<b>Rating Date:</b> 09/01/2019
<b>Date Compliance History Report Prepared:</b>	November 19, 2019		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	November 19, 2014 to November 19, 2019		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	Yuliya Dunaway	<b>Phone:</b>	(210) 403-4077

## Site and Owner/Operator History:

- |  |    |
|--|----|
| 1) Has the site been in existence and/or operation for the full five-year compliance period?       | NO |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

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

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

- |   |  |  |
|---|--|--|
| 1 | Effective Date: 07/17/2018   | ADMINORDER 2018-0048-PWS-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Major  |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)   |  |
|   | Description: Failed to use an operator with a Class "D" or higher license.   |  |
|   | Classification: Moderate   |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)  |  |
|   | Description: Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the facility is decommissioned.            |  |
|   | Classification: Moderate   |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)   |  |
|   | Description: Failed to furnish a copy of well completion data for review and approval by the Executive Director prior to placing the Facility's public drinking water well into service.   |  |
|   | Classification: Moderate   |  |
|   | Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)   |  |
|   | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)   |  |
|   | 5A THSC Chapter 341, SubChapter A 341.0315(c)  |  |
|   | Description: Failed to operate the disinfection equipment to maintain a minimum chlorine residual of 0.2 milligrams per liter ("mg/L"). Specifically, a disinfectant residual of 0.0 mg/L free chlorine was documented at 52 Air Force and 5 Veterans Way. |  |

### **B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

N/A

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

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

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
THE AMERICAN LEGION,  
MISSING IN ACTION POST NO. 231,  
THE AMERICAN LEGION, DEPARTMENT  
OF TEXAS, POTTSBORO, TEXAS;  
RN110053949

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER

DOCKET NO. 2019-1329-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding THE AMERICAN LEGION, MISSING IN ACTION POST NO. 231, THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS ("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 system ("PWS") located at 133 Army Avenue near Pottsboro, Grayson, County, Texas (the "Facility"). The Facility provides water for human consumption, had approximately 47 service connections, and serves at least 25 people per day for at least 60 days a year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted May 21, 2019, an investigator documented that Respondent:
  - a. Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the PWS until the Facility is decommissioned;
  - b. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility has 47 connections requiring a well capacity of 28.2 gpm. However, the Facility only provided 8 gpm, indicating a 72% deficiency;
  - c. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 47 connections requiring a pressure tank capacity of 940 gallons. However, the Facility only provided 225 gallons of pressure tank capacity, indicating a 73% deficiency;

- d. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Specifically, disinfectant residual measurements were only taken once per month;
- e. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations;
- f. Failed to adopt an accurate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, the service agreement maintained by the Facility did not contain provisions for proper enforcement;
- g. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring for the well was loose and not in conduit;
- h. Failed to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot;
- i. Failed to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water. Specifically, the Facility's well did not have a well casing vent;
- j. Failed to ensure that the Facility's potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder resistant fence with lockable gates. Specifically, the Facility's potable water storage tank was not enclosed by an intruder-resistant fence;
- k. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements;
- l. Failed to provide an accurate and up-to-date map of the distribution system so that the valves and mains can be easily located during emergencies. Specifically, the distribution system map has not been updated since changes were made to the distribution system;
- m. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
- n. Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use;
- o. Failed to furnish a copy of the well completion data for review and approval by the Executive Director prior to placing the Facility's public drinking water well into service;
- p. Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted. Specifically, a system ownership sign was not posted at the well site and the treatment plant;
- q. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records of the amount of water distributed each week were not available for review; and
- r. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the annular space around the well head was deteriorated.

3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility, as of December 1, 2020:
  - a. Incorporated provisions for proper enforcement into the service agreement maintained by the Facility (Conclusion of Law No. 7);
  - b. Updated its chemical and microbiological monitoring plan to identify all sampling locations, describe the sampling frequency, and specify the procedures and laboratories that the Facility uses (Conclusion of Law No. 12);
  - c. Updated the Facility's distribution system map so that it accurately reflects the Facility's distribution system (Conclusion of Law No. 13);
  - d. Compiled and provided a plant operations manual (Conclusion of Law No. 14); and
  - e. Began recording the amount of water distributed each week by the Facility (Conclusion of Law No. 18).
4. The Executive Director further recognizes that as of November 1, 2022, Respondent's public water system interconnected with a regional water provider to supply treated drinking water to its customers, and that on August 16, 2023, it capped the groundwater well it previously used to provide water at the Facility (Conclusion of Law Nos. 2, 3, 4, 8, 9, 10, 11, 12, and 16).

#### **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 maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the PWS until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision No. 2.a.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(i).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(1)(B)(iv).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to adopt an accurate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).

9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions with a minimum thickness of six inches and sloped to drain away at not less than 0.25 inch per foot, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to ensure that wellheads and pump bases are sealed by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to ensure that the Facility's potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
12. As evidenced by Finding of Fact No. 2.k., Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the PWS will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
13. As evidenced by Finding of Fact No. 2.l., Respondent failed to provide an accurate and up-to-date map of the distribution system so that the valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
14. As evidenced by Finding of Fact No. 2.m., Respondent failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
15. As evidenced by Finding of Fact No. 2.n., Respondent failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(D).
16. As evidenced by Finding of Fact No. 2.o., Respondent failed to furnish a copy of the well completion data for review and approval by the Executive Director prior to placing the Facility's public drinking water well into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) and TCEQ Agreed Order Docket No. 2018-0048-PWS-E, Ordering Provision Nos. 2.c. and 2.e.
17. As evidenced by Finding of Fact No. 2.p., Respondent failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
18. As evidenced by Finding of Fact No. 2.q., Respondent failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(III).
19. As evidenced by Finding of Fact No. 2.r., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
20. 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.



21. An administrative penalty in the amount of \$2,600 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 \$2,600 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. 21 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 90 days of the effective date of this Order, Respondent shall:
    - i. Provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 15);
    - ii. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 5);
    - iii. Verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6); and
    - iv. Post a legible sign at the Facility's treatment and storage facilities that contain the name of the Facility and an emergency telephone number where a responsible official can be contacted, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 17).
  - b. Within 105 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iv. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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 in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address stated 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

  
For the Executive Director

7/1/24  
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.

  
Dan Kovach, Commander

29 March 2024  
Date

THE AMERICAN LEGION, MISSING IN ACTION POST 231,  
THE AMERICAN LEGION, DEPARTMENT OF TEXAS, POTTSBORO, TEXAS  
133 Army Avenue  
Pottsboro, Texas 75076-3815

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