

City of Roscoe

RN101430924

Docket No. 2019-1550-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

115 East Cypress Street, Roscoe, Nolan County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	2019-1683-MSW-E, Proposed Order TBD 2021-1615-PWS-E, Proposed Order 2/24/2022
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Past-Due Penalties:	None
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Past-Due Fees:	None
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Other:	None
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Interested Third Parties:	None
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Texas Register Publication Date:

March 18, 2022

Comments Received:

None

Penalty Information

Total Penalty Assessed:	\$2,285
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$0
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Supplemental Environmental Project (“SEP”) Conditional Offset:

\$2,285

Name of SEP:	Water Treatment Plant Improvements
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Compliance History Classifications:

Person/CN – Satisfactory

Site/RN – Not Applicable

Major Source:

No

Statutory Limit Adjustment:

\$32 (PCW 1; Enhancement)

Applicable Penalty Policy:

April 2014

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Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 23, 2019
Date(s) of NOV(s): February 12, 2019; August 1, 2019; November 13, 2019
Date(s) of NOE(s): October 21, 2019

Violation Information

1. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iv), and (f)(3)(B)(iv)].
2. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells Nos. 2, 3, 4, 5, and 6 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
3. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist [30 TEX. ADMIN. CODE § 290.46(j)].
4. Failed to calibrate flow measuring devices at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1)].
5. Failed to provide all water storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)].
6. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].
7. Failed to inspect the Facility's ground storage tank ("GST") annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2016-0374-PWS-E, Ordering Provision No. 2.a.iii].
8. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher groundwater license [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(B)].
9. Failed to have an operator that has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis [30 TEX. ADMIN. CODE § 290.46(e)(2)(D)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. The water works operator who holds a minimum of a Class "C" or higher license had their license renewed on September 24, 2019 (Violation No. 8);
2. Provided a working pressure gauge on the standpipe, calibrated in feet of water, by March 16, 2020 (Violation No. 5); and
3. Conducted an annual inspection of the Facility's GST and submitted an annual GST inspection report, as of June 16, 2021 (Violation No. 7).

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Technical Requirements:

1. Within 30 days:
 - a. Compile and maintain properly completed water works operation and maintenance records, including records of the amount of each chemical used each day, the dates dead-end mains were flushed, and the calibration records for laboratory equipment (Violation No. 1);
 - b. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities (Violation No. 3); and
 - c. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day (Violation No. 6). This provision will be satisfied upon three months of compliant monitoring.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. through 1.b.
3. Within 60 days, have an operator who has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis (Violation No. 9).
4. Within 75 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.
5. Within 90 days, complete CSI certificates for all existing and new locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist (Violation No. 3).
6. Within 105 days, submit written certification to demonstrate compliance with Technical Requirement No. 5.
7. Within 135 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.c.
8. Within 180 days:
 - a. Conduct an annual calibration of the Facility's flow meter for concentrate water at the reverse osmosis plant (Violation No. 4); and
 - b. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Wells Nos. 2, 3, 4, 5, and 6, or obtain Commission approval of an exception to the easement requirement (Violation No. 2).
9. Within 195 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 8.a. and 8.b.

Litigation Information

Date Petition(s) Filed:	November 4, 2021
Date Green Card(s) Signed:	November 8, 2021
Settlement Date:	February 15, 2022

City of Roscoe

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Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400

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

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

TCEQ SEP Coordinator: Betty Sanders, Litigation Division, (512) 239-3992

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, (512) 239-2571

TCEQ Regional Contact: Michael Taylor, P.G., Abilene Regional Office, (325) 698-9674

Respondent Contact: Frank Porter, Mayor, City of Roscoe, P.O. Box 340, Roscoe, Texas 79545-0340

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	28-Oct-2019			
	PCW	29-Oct-2019	Screening	28-Oct-2019	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	City of Roscoe				
Reg. Ent. Ref. No.	RN101430924				
Facility/Site Region	3-Abilene	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	48818	No. of Violations	9
Docket No.	2019-1550-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **79.0%** Adjustment **Subtotals 2, 3, & 7** **\$632**

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

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$12**

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

Total EB Amounts \$486
 Estimated Cost of Compliance \$1,570
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,420**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,420**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,452**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$1,452**

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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	2	50%
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) 79%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Enhancement for one NOV with the same/similar violations, two NOVs with dissimilar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 79%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 79%

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iv), and (f)(3)(B)(iv)

Violation Description
 Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day, the dates dead-end mains were flushed, and the calibration records for laboratory equipment were not available.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="1.0%"/>
Matrix Notes	Less than 30% of the rule requirements were not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	18-Dec-2018	9-Jun-2020	1.48	\$3	n/a	\$3
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$3

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Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to have sanitary control easements in place could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	18-Dec-2018	8-Aug-2020	1.64	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain and record sanitary control easements for the Facility's wells (\$25 per well x five wells), or obtain an exception to the requirement, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$10

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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				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	\$250	18-Dec-2018	8-Aug-2020	1.64	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	18-Dec-2018	9-Jun-2020	1.48	\$13	n/a	\$13

Notes for DELAYED costs

The record keeping system delayed cost includes the estimated amount to conduct CSIs at all locations where a cross-connection or potential hazard may exist, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The other delayed cost includes the estimated amount to implement a CSI program so that CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$430

TOTAL

\$34

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Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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	\$31	18-Dec-2017	28-Oct-2019	1.86	\$2	\$58	\$60
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

\$58

TOTAL

\$60

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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	\$500	18-Dec-2018	16-Mar-2020	1.24	\$2	\$41	\$43
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 equipment delayed cost includes the estimated amount to provide the standpipe with a functional liquid level indicator, calculated from the date of the investigation initially documenting the violation to the 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

\$43

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to monitor the disinfectant residual at representative locations in the distribution system at least once each day could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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				0.00	\$0	n/a	\$0
Training/Sampling	\$100	18-Dec-2018	7-Sep-2020	1.72	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that disinfectant residual samples are collected from approved sites listed in the monitoring plan, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$9

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2016-0374-PWS-E, Ordering Provision No. 2.a.iii

Violation Description Failed to inspect the Facility's ground storage tank ("GST") annually.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Failure to inspect the GST on an annual basis could cause the non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three annual events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2016-0374-PWS-E, May 4, 2017, to August 31, 2019.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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)				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	\$41	4-May-2017	28-Oct-2019	2.48	\$6	\$102	\$108
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct an annual GST inspection (\$41 per tank x one tank), calculated from the effective date of TCEQ Agreed Order Docket No. 2016-0374-PWS-E to the date of screening.

Approx. Cost of Compliance

\$102

TOTAL

\$108

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="Failure to operate the Facility under the direct supervision of an operator with the appropriate license may result in poor plant operation which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>
Ordinary	<input type="text" value="x"/>
N/A	<input type="text"/>

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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				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)							
Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$62	28-Jul-2019	24-Sep-2019	0.16	\$0	\$10	\$10
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs The avoided cost includes the estimated amount to ensure that the Facility is operated under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher license (\$111 renewal fee plus \$75 training cost, annualized), calculated from the date the operator's license expired to the date that the license was renewed.							

Approx. Cost of Compliance \$10

TOTAL \$10

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$200	18-Dec-2018	28-Oct-2019	0.86	\$9	\$200	\$209
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to register for and complete the required training (\$200 course fee), calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance

\$200

TOTAL

\$209



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	28-Oct-2019			
	PCW	28-May-2020	Screening	28-Oct-2019	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Roscoe
Reg. Ent. Ref. No.	RN101430924
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	48818	No. of Violations	2
Docket No.	2019-1550-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	79.0%	Adjustment	Subtotals 2, 3, & 7	\$395
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Notes: Enhancement for one NOV with the same/similar violations, two NOVs with dissimilar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$0
 Estimated Cost of Compliance: \$0
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$833
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$833
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$833
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$833
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Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	2	4%
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	2	50%
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) 79%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Enhancement for one NOV with the same/similar violations, two NOVs with dissimilar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 79%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 79%

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

The avoided cost to ensure that the Facility is operated under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher license is captured on the Economic Benefit Worksheet of V8 on the app-13h1 PCW.

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date	28-Oct-2019	Docket No.	2019-1550-PWS-E	PCW
Respondent	City of Roscoe			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48818			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101430924			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Roscoe
Case ID No. 48818
Reg. Ent. Reference No. RN101430924
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				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

The avoided cost to register for and complete the required training is captured on the Economic Benefit Worksheet of V9 on the app-13h1 PCW.

Approx. Cost of Compliance \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN600738843, RN101430924, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600738843, City of Roscoe	Classification:	SATISFACTORY	Rating:	24.51
Regulated Entity:	RN101430924, CITY OF ROSCOE	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	115 EAST CYPRESS STREET IN ROSCOE, NOLAN COUNTY, TEXAS				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1770001				

Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year:	2019	Rating Date:	09/01/2019
Date Compliance History Report Prepared:	September 28, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	December 28, 2014 to December 28, 2019				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer			Phone:	(512) 239-2571

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 05/04/2017 ADMINORDER 2016-0374-PWS-E (Findings Order-Agreed Order Without Denial)
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
 - Description: Failure to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
 - Description: Failure to post a legible sign at the Facility's production, treatment and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.43(e)
 - Description: Failure to provide an intruder-resistant fence or lockable building for the standpipe and pressure maintenance facilities.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 - Description: Failure to conduct annual inspections of the Facility's one ground storage tank and two elevated storage tanks
 - Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B)
 - Rqmt Prov: Provision No. 2.a.iii ORDER
 - Description: Failure to use an operator with a Class "C" or higher groundwater license at a groundwater system serving more than 250 connections, but no more than 1,000 connections. Failure to comply with Agreed Commission Order Docket No. 2014-0821-PWS-E.

- 2 Effective Date: 03/20/2018 ADMINORDER 2017-0953-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)(A)
 Description: LCR SOWT - The system failed to submit the Source Water Treatment Recommendation for alternative treatment including ion exchange, reverse osmosis, lime softening, coagulation/filtration, or none from the end of the reduced monitoring period from 01/01/2016 to 12/31/2016 plus 180 days.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(3)(A)
 Description: LCR OCCT - The system failed to submit the Optimal Corrosion Control Treatment (OCCT) Recommendation in accordance with TCEQ rules after exceeding the lead/copper action level during the reduced monitoring period from 01/01/2016 to 12/31/2016 plus 180 days.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 3 Effective Date: 07/01/2019 ADMINORDER 2018-0434-PWS-E (Findings Order-Agreed Order Without Denial)
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
 5A THSC Chapter 341, SubChapter A 341.031(a)
 Description: NO3 AMCL 4Q2017 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 12 mg/L collected on 12/04/2017.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(3)
 Description: LCR WQP MR 2nd 6M2017 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2017 monitoring period at entry point location W Booster -1500 BLK Broadway / Cedar EP001 and the distribution system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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

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

- 1 Date: 02/12/2019 (1548278)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(2)(D)
 Description: Failure to have an operator that has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)
 Description: Failure to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day, the dates dead-end mains were flushed, and the calibration records for laboratory equipment were not available.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Description: Failure to obtain a sanitary control easement covering land within 150 feet of the Facility's Well Nos. 2, 3, 4, 5, and 6.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failure to adopt either a plumbing ordinance, service agreement, or regulations that provide enforceable provisions for cross connection control or unacceptable plumbing practices.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Description: Failure to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exists. Specifically, CSI certificates had not been completed for the James Wells and Cypress housing development, Roscoe Collegiate High School, Nutrient Ag Solutions, Stripes convenience store, Chillerz convenience store, and Eagle Rai

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(g)(3)(F)
 Description: Failure to provide cross-connection protection to prevent chemicals from all chemical cleaning processes from contaminating other membrane units in other modes of operation. Specifically, there was no cross-connection protection on the feed water, filtrate, and waste piping of the reverse osmosis system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate flow measuring devices at least once every 12 months. Specifically, the flow meter for concentrate water at the reverse osmosis plant had not been calibrated in the last 12 months.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide all water storage tanks with a liquid level indicator located at the tank site. Specifically, the standpipe did not have a liquid level indicator at the tank site.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failure to have covers on the standpipe and elevated storage tank overflows that fit tightly with no gap greater than 1/16 inch.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to provide a lock to the gate of the fence at the standpipe and to the well 5 and 6 enclosures.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)
 Description: Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, the Facility's records indicated that the water system was not taking samples from the sites listed in the monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)
 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to maintain the required free chlorine residual of 0.2 mg/L throughout distribution at all times.

2 Date: 08/01/2019 (1581338)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
 30 TAC Chapter 290, SubChapter F 290.118(b)
 Description: Failure to meet the secondary constituent levels for corrosivity and pH.

3 Date: 11/13/2019 (1605772)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.118(a)
 30 TAC Chapter 290, SubChapter F 290.118(b)
 Description: Failure to meet the secondary constituent levels for corrosivity and pH.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
CITY OF ROSCOE;
RN101430924

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-1550-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Roscoe ("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 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 115 East Cypress Street in Roscoe, Nolan County, Texas (the "Facility").¹ The Facility provides water for human consumption, has approximately 594 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted on and around August 23, 2019, an investigator documented that Respondent:
 - a. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day, the dates the dead-end mains were flushed, and the calibration records for laboratory equipment were not available;
 - b. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells Nos. 2, 3, 4, 5, and 6;
 - c. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other

¹ This is the Facility's address as registered by the City of Roscoe, but this address is for an administration building for the City of Roscoe. The components of the Facility are located throughout the City of Roscoe.

- potential contamination hazards exist. Specifically, CSI certificates had not been completed for the James Wells and Cypress housing development, Roscoe Collegiate High School, Nutrient Ag Solutions, Stripes convenience store, Chillerz convenience store, and Eagle Railcar Services;
- d. Failed to calibrate flow measuring devices at least once every 12 months. Specifically, the flow meter for concentrate water at the reverse osmosis plant had not been calibrated in the last 12 months;
 - e. Failed to provide all water storage tanks with a liquid level indicator located at the tank site. Specifically, the float with a moving target indicator and the pressure gauge on the standpipe were not functional;
 - f. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, the Facility's records indicated that the water system was not taking samples from the sites listed in the monitoring plan;
 - g. Failed to inspect the Facility's ground storage tank ("GST") annually;
 - h. Failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher groundwater license. Specifically, the operator's license had expired on July 28, 2019; and
 - i. Failed to have an operator that has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. The water works operator who holds a minimum of a Class "C" or higher license had their license renewed on September 24, 2019 (Conclusion of Law No. 9);
 - b. Provided a working pressure gauge on the standpipe, calibrated in feet of water, by March 16, 2020 (Conclusion of Law No. 6); and
 - c. Conducted an annual inspection of the Facility's GST and submitted an annual GST inspection report, as of June 16, 2021 (Conclusion of Law No. 8).

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 water works operations and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iv), and (f)(3)(B)(iv).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells Nos. 2, 3, 4, 5, and 6, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.46(j).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to calibrate flow measuring devices at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide all water storage tanks with a liquid level indicator located at the tank site, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to inspect the Facility's GST annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A) and TCEQ Agreed Order Docket No. 2016-0374-PWS-E, Ordering Provision No. 2.a.iii.
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher groundwater license, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)(4)(B).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to have an operator that has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(2)(D).
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of two thousand two hundred eighty-five dollars (\$2,285.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Pursuant to TEX. WATER CODE § 7.067, two thousand two hundred eighty-five dollars (\$2,285.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A"—incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 12 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 not raised here.
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 12. The amount of two thousand two hundred eighty-five dollars (\$2,285.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including records of the amount of each chemical used each day, the dates dead-end mains were flushed, and the calibration records for laboratory equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 2);
 - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure CSI certificates are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4); and
 - iii. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 7). This provision will be satisfied upon three months of compliant monitoring.
 - b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.
 - c. Within 60 days after the effective date of this Order, have an operator who has successfully completed at least one Executive Director-approved training course or event specific to the operations and maintenance of reverse osmosis, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 10).
 - d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provision No. 3.c.
 - e. Within 90 days after the effective date of this Order, complete CSI certificates for all existing and new locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 4).
 - f. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provision Nos. 3.e.
 - g. Within 135 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provision No. 3.a.iii.
 - h. Within 180 days after the effective date of this Order:
 - i. Conduct an annual calibration of the Facility's flow meter for concentrate water at the reverse osmosis plant, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5); and
 - ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Wells Nos. 2, 3, 4, 5, and 6, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to

30 TEX. ADMIN. CODE § 290.39(l) (Conclusion of Law No. 3). This exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-30870

- i. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.h.i. and 3.h.ii.
- j. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

4. All relief not expressly granted in this Order is denied.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. 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 the TCEQ’s jurisdiction, or of a rule adopted or an order or permit

issued by the 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 Respondent has not complied with one or more of the terms or conditions in this Order.

8. 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.
9. 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.
10. 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.
11. 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

Frank E. Chamallop

04/18/22

For the Executive Director

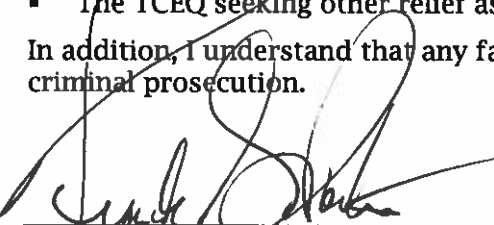
Date

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

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

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

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



Signature - - Mayor Frank S. Porter
City of Roscoe
P.O. Box 340
Roscoe, Texas 79545

02-15-2022
Date

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

Attachment A
Docket Number: 2019-1550-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Roscoe
Penalty Amount:	Two Thousand Two Hundred Eighty-Five Dollars (\$2,285)
SEP Offset Amount:	Two Thousand Two Hundred Eighty-Five Dollars (\$2,285)
Type of SEP:	Compliance
Project Name:	<i>Water Treatment Plant Improvements</i>
Location of SEP:	Nolan County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install a reverse osmosis (“RO”) flow meter on the RO concentrate line at the Facility. Specifically, the SEP Offset Amount shall be used to purchase the RO flow meter, install the RO flow meter on the RO concentrate line, and connect the RO flow meter to a Supervisory control and data acquisition (“SCADA”) system (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

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

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Cost	Quantity	Total
Purchase RO Flow Meter	\$850	1	\$850
Install RO Meter on Concentrate Line	\$1,120	1	\$1,120
Connect RO Meter to SCADA	\$1,500	1	\$1,500
Total			\$3,470

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 180 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 180-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

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

B. Final Report

Within 180 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

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

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to “Texas Commission on Environmental Quality,” and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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