Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of San Augustine PWS, located off Farm-to-Market Road 2213, 2.5 miles south of San Augustine next to Lake San Augustine, San Augustine County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2019-1582-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 5, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$16,302

Amount Deferred for Expedited Settlement: \$0

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

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$16,302

Name of SEP: WWTP Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$34 **Applicable Penalty Policy:** April 2014

Investigation Information

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

Date(s) of Investigation: March 23, 2020 through April 3, 2020 and May 19, 2020

Date(s) of NOE(s): April 3, 2020 and June 9, 2020

Violation Information

- 1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(E)(iv)].
- 2. Failed to flush all dead-end mains at monthly intervals [30 Tex. Admin. Code § 290.46(l)].
- 3. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 Tex. Admin. Code § 290.46(m)].
- 4. Failed to provide an intruder-resistant fence or well house around each treatment plant, well unit, potable water treatment plant, pressure maintenance facility and related appurtenances that remains locked during periods of darkness and when the facility is unattended [30 Tex. Admin. Code §§ 290.42(m) and 290.43(e)].
- 5. Failed to ensure the discharge opening of the overflows were above the surface of the ground and were not subject to submergence [30 Tex. Admin. Code § 290.43(c)(3)].
- 6. Failed to prevent an unauthorized discharge of wastewater from the surface water treatment plant filters [Tex. Water Code § 26.121(a)].
- 7. Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
- 2. The Order will also require the Respondent to:
- a. Immediately, cease the unauthorized discharge from the surface water treatment plant filters.

- b. Within 15 days, submit written certification to demonstrate compliance with a.
- c. Within 30 days:
- i. Compile and maintain properly completed water works operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, including but not limited to the results of inspections for all water and pressure maintenance facilities and Customer Service Inspection reports;
- ii. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive compliant monthly flushing;
- iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the crystalized caustic on the secondary containment and equipment, repairing or disconnecting the pressure tank at the Light Plant and the optional settling tank to the surface water treatment plant, and removing the vegetation from the fences at the Hospital Booster Plant and the Highway 96 Elevated Storage Tank; and
- iv. Repair the intruder-resistant fences at Highway 147, Highway 96 Elevated Storage Tank, and Light Plant Ground Storage Tank.
- d. Within 45 days, submit written certification to demonstrate compliance with c.i. and c.iii. through c.iv.
- e. Within 60 days, relocate the discharge opening of the overflow for the Hospital Elevated Storage Tank.
- f. Within 75 days, submit written certification to demonstrate compliance with ${\bf e}$.
- g. Within 135 days, submit written certification to demonstrate compliance with c.ii.
- h. Within 180 days, investigate, identify, and implement the necessary corrective actions to return to compliance with the unauthorized discharge.
- i. Within 195 days, submit written certification to demonstrate compliance with h.
- j. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on a locational running annual average.

k. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision No. 3.j.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division,

Enforcement Team 8, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division,

MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC

175, (512) 239-3992

Respondent: The Honorable Leroy Hughes, Mayor, City of San Augustine, 301 South

Harrision, San Augustine, Texas 75972

Jeaneyse L. Mosby, City Manager, City of San Augustine, 301 South Harrision, San

Augustine, Texas 75972

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

 DATES
 Assigned
 15-Jun-2020

 PCW
 16-Jun-2020
 Screening
 16-Jun-2020
 EPA Due

RESPONDENT/FACILITY INFORMATION
Respondent City of San Augustine (PCW No. 1)
Reg. Ent. Ref. No. RN103779302
Facility/Site Region 10-Beaumont Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 59457
Docket No. 2020-0818-MLM-E
Media Program(s) Public Water Supply
Multi-Media Water Quality

Admin. Penalty \$ Limit Minimum \$50 Maximum

No. of Violations 4
Order Type Findings

Government/Non-Profit Yes
Enf. Coordinator
EC's Team Enforcement Team 8

			Per	nalty Calcul	ation Section	on		
TOTA	L BASE PENA	LTY (Sum of violati	ion base pena	lties)		Subtotal 1	\$7,100
AD1U	STMENTS (+	/-) TO	SUBTOTAL 1					
7,550	Subtotals 2-7 are of	btained by	multiplying the Total	Base Penalty (Subtotal	1) by the indicated pe	ercentage.		
	Compliance Hi			65.0%	, , , ,		otals 2, 3, & 7	\$4,615
		Enha	ncement for three	NOVe with the car	mo/cimilar violatio	one and two		
	Notes	Lilla		rders without a de	•	ons and two		
			agreed of	racis without a ac	indi of habiney.			
	Culpability	No		0.0%	6 Enhancement		Subtotal 4	\$0
	Notes		The Responden	t does not meet th	ne culpability crite	eria.		
	Good Faith Eff	ort to (Comply Total Adj	ustments			Subtotal 5	\$0
			, ,					•
	F	- C: L		0.00			C-latertal C	+0
	Economic Ben		B Amounts \$3,963		6 Enhancement* ped at the Total EB \$ A	Amount	Subtotal 6	\$0
	Estimated		Compliance \$17,40		oca at the rotal LD \$ F	amount		
SUM (OF SUBTOTA	LS 1-7				I	Final Subtotal	\$11,715
OTUE	D FACTORS	• • • • • • • • • • • • • • • • • • • •	TICE MAY DE	OUTDE	0.00/			+0
OIHE	or enhances the Fina	AS JUS	STICE MAY RE by the indicated perce	QUIRE	0.0%		Adjustment	\$0
Reduces	or enhances the rina	Jubiotal	by the malcated perce	illage.				
	Notes							
						Final Pe	nalty Amount	\$11,715
STAT	UTORY LIMI [.]	T ADJI	JSTMENT			Final Asse	essed Penalty	\$11,715
							_	
DEFE					0.0%	Reduction	Adjustment	\$0
Reduces	the Final Assessed Pe	enalty by	the indicated percentag	je.				
	Notes		No deferral is	s recommended fo	or Findings Orders			
	Mores		No delellal is	3 recommended to	n i munigs orders			
PAYA	BLE PENALT	Υ						\$11,715

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

Respondent City of San Augustine (PCW No. 1)

Case ID No. 59457

Reg. Ent. Reference No. RN103779302

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>>	 Compliance His 	tory Site Enhancement (Subtotal 2)
	Component	Number of

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>)	3	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<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) 65%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History **Notes**

Enhancement for three NOVs with the same/similar violations and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

	Scree	ening Date	16-Jun-2020		Doc	ket No. 2020-0818-MLM-E		PCW
		•	City of San Aug	ustine (PCW N	lo. 1)		Policy	Revision 4 (April 2014)
		ase ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Ref		RN103779302					
			Public Water Su					
			Epifanio Villarre	al				
	Viola	tion Number	1					
		Rule Cite(s)		30 7	Tex Admin C	ode § 290.46(I)		
				30 .	exi /taiiiii e	3 230. 10(1)		
			Failed to flush	all dead-end	mains at mon	thly intervals. Specifically, acco	ordina to	
	Violation	Description				curred did not correspond to the		
		-	listed on the	form and not	all dead-end	mains were flushed during the	month.	
						Base	Penalty	\$5,000
>> Env	/ironmen	ital. Propei	ty and Hum	an Health	Matrix			
, ,		, т. горо	c, and main	Harm				
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential			Х	Percent 7.0%		
>>Droc	arammat	ic Matrix						
//F10g	grannina	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	_		1	'				
	Makuiss	Failure to f	lush all dead-en	d mains at mo	nthly interval	s could expose persons served	by the	
	Matrix Notes	Facility to ar	n insignificant an			n would not exceed levels prote	ective of	
	Notes			hu	ıman health.			
							±4.6E0	
						Adjustment	\$4,650	
								\$350
Violatio	on Event	S						
		Number of \	/iolation Events	1		28 Number of violation	davs	
					<u> </u>		,-	
			daily					
			weekly					
			monthly					1050
			quarterly			Violation Base	Penalty	\$350
			semiannual annual					
			single event	V				
			Single event	^				
				One single e	vent is recom	mended.		
Good F	aith Effo	rts to Com		0.0%			Reduction	\$0
			The state of the s	efore NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х				
			Niata-	The Responde	ent does not m	neet the good faith criteria for		
			Notes		this v	iolation.		
			<u> L</u>					
						Violation	Subtotal	\$350
Econon	nic Bene	fit (EB) for	this violation	n		Statutory Limit	Test	
		Estimate	ed EB Amount		\$40	Violation Final Pena	alty Total	\$578
				This wist-		ssessed Penalty (adjusted f	•	\$578
				i ilis viola	ition rinai As	ssesseu renaity (aujusted f	(אוווווווווווווווווווווווווווווווווווו	9/74

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of San Au	gustine (PCW No.	1)				
Case ID No.		`	•				
Reg. Ent. Reference No.	RN103779302	1					
	Public Water S						Years of
Violation No.		ларріу				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
200 200 paio							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	19-Jul-2018	1-Aug-2022	4.04	\$40	n/a	\$40
Notes for DELAYED costs	of the	e investigation init	ially documenti	ng the v	violation to the esti	program, calculated mated date of comp	liance.
Avoided Costs	ANNU	ALIZE avoided C	osts before ei			one-time avoided	
Disposal		1		0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Notes for AVOIDED costs				0.00	1 40	ΨΟ Ι	4 0
Approx. Cost of Compliance		\$200			TOTAL		\$40

		ening Date				2020-0818-MLM-E		PCW
		-		gustine (PCW No. 1)		Policy	Revision 4 (April 2014)
D		ase ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Rei		RN103779302					
	Enf C		Public Water S Epifanio Villarre					
		ation Number						
		Rule Cite(s)		20 T	Admin Code 5 200	0.46()		
		. ,		30 Tex. /	Admin. Code § 290	0.46(m)		
	Violatio	n Description	working condi Specifically, caustic over th optional settli for more tha	ition and general ap, , the caustic second ne equipment. In ad ing tank at the surfa n 120 days. In addi	pearance of the sy ary containment a dition, the pressur ace water treatme tion, the fences at	practices to ensure the ystem's facilities and eq and equipment had crys re tank at the Light Plar int plant had been out o the Hospital Booster P It kept free of vegetatio	quipment. stalized nt and the of service lant and	
						Base	e Penalty	\$5,000
>> Env	/ironme	ntal, Prope	rty and Hun	nan Health Mat	rix			
		_	-	Harm				
OR		Release Actual	Major	Moderate M	linor			
OK		Potential		X		Percent 15.0%		
				Α		151070		
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate M	linor			
						Percent 0.0%		
		Failure to				and the Facility of	مد: ادم	
	Matrix					earance of the Facility a ificant amount of contar		
	Notes	equipinient		ould not exceed leve			illilalits	
				7414 1101 0710004 1010	p. 0.000 0	aa		
					_		+4.250	
					А	djustment	\$4,250	
					А	ldjustment	\$4,250	\$750
					A	Adjustment	\$4,250	\$750
Violatio	on Event	ts			A	djustment	\$4,250	\$750
Violatio	on Event		/iolation Events	5				\$750
Violatio	on Event		/iolation Events	5	28	Number of violation (\$750
Violatio	on Event		/iolation Events daily	5				\$750
Violatio	on Even		daily weekly	5				\$750
Violatio	on Event		daily weekly monthly			Number of violation (days	·
Violatio	on Event		daily weekly monthly quarterly	5 x			days	\$750 \$3,750
Violatio	on Event		daily weekly monthly quarterly semiannual			Number of violation (days	·
Violatio	on Event		daily weekly monthly quarterly			Number of violation (days	·
Violatio	on Event	Number of N	daily weekly monthly quarterly semiannual annual single event	X	28	Number of violation of violation of violation of violation Base	days e Penalty	·
Violatio	on Event	Number of N	daily weekly monthly quarterly semiannual annual single event	x x ommended (one ev	28 ent per facility and	Number of violation of violation of violation Base	days e Penalty	·
Violatio	on Event	Number of N	daily weekly monthly quarterly semiannual annual single event	x x ommended (one ev	28 ent per facility and	Number of violation of violation of violation of violation Base	days e Penalty	·
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record	ommended (one ev review, May 19, 20	ent per facility and 20, to the date of	Number of violation of violation of violation Base divided by the violation by the violation by the violation of violation base divided by the violation by the violation by the violation by the violation of violation by the violation of violation by the violation of violation by the violation of violation by the violation by	days e Penalty	·
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record	ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	28 ent per facility and	Number of violation of violation of violation Base divided by the violation by the violation by the violation of violation base divided by the violation by the violation by the violation by the violation of violation by the violation of violation by the violation of violation by the violation of violation by the violation by	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of	Number of violation of violation of violation Base divided by the violation by the violation by the violation of violation base divided by the violation by the violation by the violation by the violation of violation by the violation of violation by the violation of violation by the violation of violation by the violation by	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of	Number of violation of violation of violation Base divided by the violation by the violation by the violation of violation base divided by the violation by the violation by the violation by the violation of violation by the violation of violation by the violation of violation by the violation of violation by the violation by	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of	Number of violation of Violation Base d/or equipment), calcula screening, June 16, 20 ment Offer	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of	Number of violation of violation of violation Base divided by the violation by the violation by the violation of violation base divided by the violation by the violation by the violation by the violation of violation by the violation of violation by the violation of violation by the violation of violation by the violation by	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary N/A	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of NOV to EDPRP/Settler	Number of violation of Violation Base d/or equipment), calcula screening, June 16, 20 ment Offer	e Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary N/A	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of NOV to EDPRP/Settler	Number of violation of Violation Base d/or equipment), calcula screening, June 16, 20 ment Offer	ated from 20.	\$3,750
Good F	aith Effo	Number of Number	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary N/A	x ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/ X The Respondent of	ent per facility and 20, to the date of NOV to EDPRP/Settler	Number of violation of Violation Base d/or equipment), calcula screening, June 16, 20 ment Offer good faith criteria for	ated from 20. Reduction	\$3,750 \$0
Good F	aith Effo	Number of Number	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary N/A Notes	ommended (one ev review, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of NOV to EDPRP/Settler	Number of violation of Violation Base d/or equipment), calculascreening, June 16, 20 ment Offer good faith criteria for Violation	ated from 20. Reduction Subtotal	\$3,750 \$0
Good F	aith Effo	Number of Number	daily weekly monthly quarterly semiannual annual single event events are rece of the record ply Extraordinary Ordinary N/A Notes	ommended (one evreview, May 19, 20 0.0% Before NOE/NOV NOE/	ent per facility and 20, to the date of NOV to EDPRP/Settler loes not meet the this violation.	Number of violation of Violation Base d/or equipment), calculascreening, June 16, 20 ment Offer good faith criteria for Violation Statutory Limit	ated from 20. Reduction Subtotal Test alty Total	\$3,750 \$0 \$3,750

Economic Benefit Worksheet								
Respondent	City of San Au	gustine (PCW No.	1)					
Case ID No.	59457							
Reg. Ent. Reference No.								
	Public Water S	Supply				Percent Interest	Years of	
Violation No.	2					i credit ziterest	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
-								
Delayed Costs				1				
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0	\$0	\$0	
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$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)	\$8,500	19-Jul-2018	1-May-2022	3.79	\$1,609	n/a	\$1,609	
Notes for DELAYED costs	containmen settling tar Hospital E	t and equipment, lk to the surface v Booster Plant and	repair or discon water treatment the Highway 96	nnect the plant, is Elevated	ne pressure tank at and remove the ve ed Storage Tank, o	alized caustic on the t the Light Plant and egetation from the f calculated from the ted date of complian	the optional ences at the date of the	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d costs)	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0	
Supplies/Equipment				0.00	\$0	\$0	\$0	
Financial Assurance				0.00	\$0	\$0	\$0	
ONE-TIME avoided costs Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Notes for AVOIDED costs				0.00	1 40	Ψ0	ų v	
Approx. Cost of Compliance		\$8,500			TOTAL		\$1,609	

		ening Date		Docket No. 2020-0818-MLM-E		PCW
		•		ustine (PCW No. 1)	Policy R	evision 4 (April 2014)
_		ase ID No.			PCW Revisio	n September 1, 2019
Reg.	Ent. Ref		RN103779302			
			Public Water Su			
			Epifanio Villarre	al		
	Viola	ation Number				
		Rule Cite(s)		30 Tex. Admin. Code §§ 290.42(m) and 290.43(e)		
			Failed to provi	de an intruder-resistant fence or well house around each tre	atment	
				t, potable water treatment plant, pressure maintenance facil		
	Violatio	n Description		nances that remains locked during periods of darkness and v		
				ended. Specifically, the intruder-resistant fence at Highway : arbed wire around the plant, and gaps were noted under the		
				96 Elevated Storage Tank and the Light Plant Ground Storage		
			, ,			
				Base	Penalty	\$5,000
>> Fn:	vironme	ntal Drone	rty and Hum:	an Health Matrix		
LII	VII OIIIIIC	iitai, Fiopei	ity and munic	Harm		
		Release	Major	Moderate Minor		
OR		Actual				
		Potential		X Percent 15.0%		
_						
>>Pro	gramma	tic Matrix Falsification	Maior	Moderate Minor		
		FaiSiriCation	Major	Moderate Minor Percent 0.0%		
				reitent 0.0%		
				resistant fence or well house around each treatment plant, v		
	Matrix			nt, pressure maintenance facility and related appurtenances		
	Notes			ne facilities exposing persons served by the Facility to a signi		
		amoui	nt or contaminani	ts which would not exceed levels protective of human health	1.	
				Adjustment	\$4,250	
						¢750
						\$750
Violati	on Event	ts				\$750
Violati	on Event	ts				\$750
Violati	on Event		Violation Events	3Number of violation do	ays	\$750
Violati	on Event		• F	3Number of violation da	ays	\$750
Violati	on Event		daily	3 28 Number of violation da	ays	\$750
Violati	on Event		daily weekly	3 28 Number of violation da	ays	\$750
Violati	on Event		daily weekly monthly			
Violati	on Event		daily weekly monthly quarterly	3 28 Number of violation do		\$750 \$2,250
Violati	on Event		daily weekly monthly			
Violati	on Even		daily weekly monthly quarterly semiannual			·
Violati	on Event		daily weekly monthly quarterly semiannual annual			
Violati	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	X Violation Base	Penalty	
Violati	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	x Violation Base ommended (one event per location), calculated from the date	Penalty	
Violati	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	X Violation Base	Penalty	
		Number of Number	daily weekly monthly quarterly semiannual annual single event	wiolation Base Ommended (one event per location), calculated from the data lay 19, 2020, to the date of screening, June 16, 2020.	Penalty te of the	\$2,250
		Number of \	daily weekly monthly quarterly semiannual annual single event	x Violation Base ommended (one event per location), calculated from the data lay 19, 2020, to the date of screening, June 16, 2020. 0.0%	Penalty	
		Number of Number	daily weekly monthly quarterly semiannual annual single event ly events are rec record review, M	wiolation Base Ommended (one event per location), calculated from the data lay 19, 2020, to the date of screening, June 16, 2020.	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event ly events are rec record review, M	x Violation Base ommended (one event per location), calculated from the data lay 19, 2020, to the date of screening, June 16, 2020. 0.0%	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary	x Violation Base ommended (one event per location), calculated from the dat lay 19, 2020, to the date of screening, June 16, 2020. O.0% Refere NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event y events are rec record review, M ply Extraordinary Ordinary N/A	with the date of screening, June 16, 2020. O.0% Fore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event y events are rec record review, M ply Extraordinary Ordinary N/A	wiolation Base Ommended (one event per location), calculated from the dailay 19, 2020, to the date of screening, June 16, 2020. O.0% Refore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A	with the date of screening, June 16, 2020. O.0% Fore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X	Penalty te of the	\$2,250
		Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A	will a violation Base Ommended (one event per location), calculated from the data lay 19, 2020, to the date of screening, June 16, 2020. O.0% Refere NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for this violation.	Penalty te of the eduction	\$2,250 \$0
		Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A	wiolation Base Ommended (one event per location), calculated from the dailay 19, 2020, to the date of screening, June 16, 2020. O.0% Refore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for	Penalty te of the eduction	\$2,250
Good F	Faith Effe	Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A Notes	wiolation Base Ommended (one event per location), calculated from the dailay 19, 2020, to the date of screening, June 16, 2020. O.0% Fore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for this violation. Violation S	te of the eduction	\$2,250 \$0
Good F	Faith Effe	Number of Number	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A	wiolation Base Ommended (one event per location), calculated from the dailay 19, 2020, to the date of screening, June 16, 2020. O.0% Fore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for this violation. Violation S	te of the eduction	\$2,250 \$0
Good F	Faith Effe	Three quarter orts to Com	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A Notes	wiolation Base Ommended (one event per location), calculated from the dailay 19, 2020, to the date of screening, June 16, 2020. O.0% Fore NOE/NOV NOE/NOV to EDPRP/Settlement Offer X The Respondent does not meet the good faith criteria for this violation. Violation S	te of the eduction Subtotal	\$2,250 \$0
Good F	Faith Effe	Three quarter orts to Com	daily weekly monthly quarterly semiannual annual single event record review, M ply Extraordinary Ordinary N/A Notes	will will be a second of the state of the st	te of the eduction Subtotal Test	\$2,250 \$0 \$2,250

Economic Benefit Worksheet									
	•	igustine (PCW No.	1)						
Case ID No. Reg. Ent. Reference No.									
	Public Water 9					Percent Interest	Years of Depreciation		
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
Delayed Costs									
Equipment		1		0.00	\$0	\$0	\$0		
Buildings				0.00	\$0	\$0 \$0	\$0		
Other (as needed)	\$7,200	19-Jul-2018	1-May-2022	3.79	\$91	\$1,817	\$1,908		
Engineering/Construction	7.,=00			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 Highway	96 Elevated Stora	ge Tank, and th	e Light	Plant Ground Stor	resistant fencing at age Tank, calculated mated date of comp	from the date		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoide	d costs)		
Disposal				0.00	\$0	\$0	\$0		
Personnel				0.00	\$0	\$0	\$0		
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0		
Supplies/Equipment				0.00	\$0	\$0	\$0		
Financial Assurance				0.00	\$0	\$0	\$0		
ONE-TIME avoided costs				0.00	\$0	\$0	\$0		
Other (as needed) Notes for AVOIDED costs		<u> </u>		0.00	\$0	\$0	\$0		
Approx. Cost of Compliance		\$7,200			TOTAL		\$1,908		

		ening Date			0. 2020-0818-MLM-E	PCV	N
			City of San Augustine (PCW I	No. 1)		Policy Revision 4 (April 20	114)
_		ase ID No.				PCW Revision September 1, 20	019
Reg.	Ent. Ref	erence No.					
	F., £ 6		Public Water Supply				
		ation Number	Epifanio Villarreal				
	VIOI	Rule Cite(s)	4				
		Rule Cite(s)	30 T	ex. Admin. Code § 290	0.43(c)(3)		
			Failed to ensure the dischar	rge opening of the ove	erflows were above the sur	face of	
	Violatio	n Description	the ground and were not sub	oject to submergence.	Specifically, the Hospital E	<mark>levated</mark>	
	Violatio	ii Description	Storage Tank overflow disc			<mark>is not</mark>	
				subject to submerge	nce.		
					Base F	Penalty \$5,0	000
						ψο/ο	700
>> En	vironme	ntal, Propei	ty and Human Health	Matrix			
		Release	Harm Major Moderate	Minor			
OR		Actual	Major Moderate	Minor			
O.K		Potential	X		Percent 15.0%		
		. otomical			15.070		
>>Pro	gramma	tic Matrix					
		Falsification	Major Moderate	Minor			
					Percent 0.0%		
	Matrix	Failure to ens	sure all overflows are not subj	iect to submergence co	ould allow a significant amo	ount of	
	Notes		to enter the water supply wh	•			
					•		
					Adinatusant	¢4.2E0	
					Adjustment	\$4,250	
						\$7	750
Violati	on Even	ts					
		Number of \	/iolation Events 1	28	Number of violation da	V6	
		Number of V	riolation Events 1		Number of violation da	ys	
			daily				
			weekly				
			monthly				
			quarterly x		Violation Base F	Penalty \$7	750
			semiannual				
			annual				
			single event				
		One quarterly	event is recommended, calcu			9 <mark>, 2020,</mark>	
			to the date of	screening, June 16, 2	020.		
Good F	aith Eff	orts to Com				duction	\$0
			Before NOE/NOV Extraordinary	NOE/NOV to EDPRP/Settle	ement Offer		
			Ordinary				
			,				
			N/A x	<u> </u>			
			Notes The Respond		e good faith criteria for		
			Notes	this violation			
					Violation S	ubtotal \$7	750
Econor	mic Bene	efit (ER) for	this violation		Statutory Limit T	est	
	20.10						
		Estimate	ed EB Amount	\$406	Violation Final Penalt	y Total \$1,2	238
			This vio	lation Final Assesse	d Penalty (adjusted for	limits) \$1,2	238
					, (,	,	-

Economic Benefit Worksheet								
· · · · · · · · · · · · · · · · · · ·	•	gustine (PCW No.	1)					
Case ID No.								
Reg. Ent. Reference No.	RN103779302							
	Public Water S					Danasak Tukanask	Years of	
Violation No.	4					Percent Interest	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Thoma December	Item Cost	Date Required	rillai Date	113	Interest Saveu	Costs Saveu	LB Alliount	
Item Description								
5.1.16.1								
Delayed Costs		1		0.00	+ 0	+ 0	+0	
Equipment				0.00	\$0	\$0	\$0	
Buildings	#1 F00	10.1.1.2010	1 1 2022	0.00	\$0	\$0 #307	\$0	
Other (as needed)	\$1,500	18-Jul-2018	1-Jun-2022	3.87	\$19	\$387	\$406	
Engineering/Construction				0.00	\$0	\$0	\$0	
Land				0.00	\$0 \$0	n/a n/a	\$0 \$0	
Record Keeping System				0.00	\$0 \$0	n/a n/a		
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0 \$0	
Permit Costs				0.00	\$0	n/a	\$0	
Other (as needed)				0.00	\$0	n/a	\$0	
Notes for DELAYED costs			ted from the da	ate of th		ng of the overflow a tially documenting t	· ·	
Avoided Costs	ANNU	ALIZE avoided co	osts before er	itering	item (except for	one-time avoide	d costs)	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0	
Supplies/Equipment				0.00	\$0	\$0	\$0	
Financial Assurance				0.00	\$0	\$0	\$0	
ONE-TIME avoided costs				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$1,500			TOTAL		\$406	



Penalty Calculation Worksheet (PCW)

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

DATES Assigned 15-Jun-2020
PCW 16-Jun-2020 Screening 16-Jun-2020 EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of San Augustine (PCW No. 2)

Reg. Ent. Ref. No. RN103779302

Facility/Site Region 10-Beaumont Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 59457

Docket No. 2020-0818-MLM-E

Media Program(s) Public Water Supply

Multi-Media Water Quality

Admin. Penalty \$ Limit Minimum \$50 Maximum

No. of Violations 1

Order Type Findings

Government/Non-Profit Yes

Enf. Coordinator Epifanio Villarreal

EC's Team Enforcement Team 8

	Popalty Calcu	lation Section		
TOTAL BASE PENA	Terraity Carce LTY (Sum of violation base pen		Subtotal 1	\$10
ADJUSTMENTS (+/ Subtotals 2-7 are obt	-) TO SUBTOTAL 1 ained by multiplying the Total Base Penalty (Subto	tal 1) by the indicated perce	entage.	
Compliance His		<u> </u>	Subtotals 2, 3, & 7	\$6
Notes	Enhancement for three NOVs with same agreed orders without a control of the same agreed orders with a control of the same agreed order or of the same agreed orders with a control of the same agreed orders with a control of the same agreed order or of the same agreed order orders with a control of the same agreed order order or of the same agreed orders with a control order order or of the same agreed order order order orders with a control order o		and two	
Culpability	No 0.0	% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet	the culpability criteria		
Good Faith Effo	rt to Comply Total Adjustments		Subtotal 5	\$0
Economic Bene)% Enhancement*	Subtotal 6	\$0
Estimated	Total EB Amounts \$9 *Ca Cost of Compliance \$45	apped at the Total EB \$ Amo	ount _	
SUM OF SUBTOTAL	S 1-7		Final Subtotal	\$16
	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	0.0%	Adjustment [\$0
Notes				
_			Final Penalty Amount	\$16
STATUTORY LIMIT	ADJUSTMENT	ı	Final Assessed Penalty	\$50
DEFERRAL		0.0%	Reduction Adjustment	\$0
Notes	No deferral is recommended	for Findings Orders.		1=-
PAYABLE PENALTY				\$50

PCW

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

Respondent City of San Augustine (PCW No. 2)

Case ID No. 59457

Reg. Ent. Reference No. RN103779302

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

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>)	3	15%
		Other written NOVs	0	0%
		Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders		Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		50%
	Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
	Emissions	Chronic excessive emissions events (number of events)	0	0%
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	

Adjustment Percentage (Subtotal 2) 65%

>> 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 three NOVs with same or similiar violations and two agreed orders without a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

65%

65%

	Screening Date		Docket No. 2020-	0818-MLM-E	PCW
	-	City of San Augustine (PCW	No. 2)	Polic	cy Revision 4 (April 2014)
	Case ID No.			PCW	Revision March 26, 2014
Reg.	Ent. Reference No.	RN103779302			
		Public Water Supply			
	Enf. Coordinator				
	Violation Number	1			-
	Rule Cite(s)	30 Tex. Admin. Code	e § 290.46(f)(2), (f)(3)(D)(ii), a	and (f)((3)(E)(iv)	
	Violation Description	readily available for review the results of inspections fo	rks operation and maintenance w by the Executive Director upoor all water and pressure mainte ection reports were not available	n request. Specifically, enance facilities and the	
				Base Penalty	\$1,000
>> Env	vironmental, Prope	rty and Human Health	n Matrix		
		Harm			
OR	Release Actual	Major Moderate	Minor		
OK	Potential		Perce	ent 0.0%	
	i otendal		reice	0.070	
>>Pro	grammatic Matrix				
•	Falsification	Major Moderate	Minor		
			X Perce	ent 1.0%	
					-
	Matrix Notes	At least 70% of th	e rule requirements were met.		
			Adjustmo	ent \$990)
					\$10
					Ψ10
Violation	on Events				
	Number of \	/iolation Events 1	28 Numb	er of violation days	
		daily weekly monthly quarterly semiannual annual single event x		/iolation Base Penalty	\$10
		One single	event is recommended.		
Good F	aith Efforts to Com	ply 0.0%		Reduction	\$0
		Before NOE/NOV			Τ 3
		Extraordinary			
		Ordinary			
		N/A x			
		Notes The Respon	ndent does not meet the good for this violation.	faith criteria	
				Violation Subtota	I \$10
Econor	nic Benefit (EB) for	this violation	State	utory Limit Test	
	()			_	
	Estimate	ed EB Amount	\$9 Violati	on Final Penalty Tota	I \$17
		This vist	ation Final Assessed Penalt	v (adjusted for limits	\$50
		i nis vioi	auvii riiiai Assessea Penalt	y (aujusteu for fimits)	\$50

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of San Au	igustine (PCW No.	2)				
Case ID No.	59457						
Reg. Ent. Reference No.	RN103779302	<u>) </u>					
	Public Water 9					D	Years of
Violation No.	1					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
_							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land	\$45	19-Jul-2018	1-May-2022	0.00 3.79	\$0 \$9	n/a n/a	<u>\$0</u> \$9
Record Keeping System Training/Sampling	\$45	19-Jui-2016	1-May-2022	0.00	\$9	n/a	\$9 \$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	records an calculated fr	d make them immorom the date of th	nediately availal e investigation	ole for in initially compli	nspection upon red documenting the vance.	stem operation and quest by the Execut violation to the estir	ive Director, nated date of
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoide	•
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				0.00	η ψ0	Ψ0	30
Approx. Cost of Compliance		\$45			TOTAL		\$9



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

DATES

Assigned 20-Jul-2020 PCW 20-Jul-2020 Screening 20-Jul-2020 **EPA Due** 30-Jun-2020

RESPONDENT/FACILITY INFORMATION				
Respondent City of San Augustine (PCW No. 3)				
Reg. Ent. Ref. No. RN103779302				
Facility/Site Region 10-Beaumont	Major/Minor Source Major			

CASE INFORMATION		<u></u>	
Enf./Case ID No. 59457		No. of Violations	1
Docket No. 2020-0818-		Order Type	Findings
Media Program(s) Public Water	Supply	Government/Non-Profit	Yes
Multi-Media Water Qualit	СУ	Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minim	um \$50 Maximum	\$5,000	

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1	\$1,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History 65.0% Adjustment Subtotals 2, 3, & 7	\$975
Notes Enhancement for three NOVs with the same/similar violations 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	\$0
Economic Benefit 0.0% Enhancement* Subtotal 6	\$0
Total EB Amounts \$1,226 *Capped at the Total EB \$ Amount Estimated Cost of Compliance \$5,000	
SUM OF SUBTOTALS 1-7 Final Subtotal	\$2,475
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Adjustment	\$0
Notes	
Final Penalty Amount	\$2,475
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty	\$2,475
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	\$2,475

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

Respondent City of San Augustine (PCW No. 3)

Case ID No. 59457

Reg. Ent. Reference No. RN103779302

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

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>)	3	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

	Environmental management systems in place for one year or more	No	0%	l
	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%	l
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	

Adjustment Percentage (Subtotal 2) 65%

Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance **History Notes**

Enhancement for three NOVs with the same/similar violations and two agreed orders without a denial of liability.

> Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

65%

		ening Date				No. 2020-0818-MLM-E	PCW
	R	espondent	City of San Augus	stine (PCW No.	. 3)		Policy Revision 4 (April 2014)
	С	ase ID No.	59457				PCW Revision September 1, 2019
Rea	Ent Ref	erence No	RN103779302				-,
iteg.	Liiti itti		Public Water Supp	mlv.			
	F6 G			. ,			
			Epifanio Villarreal				
	Viola	tion Number	1				
		Rule Cite(s)	30 Toy Ad	min Codo 8 20	00 115(f)(1) ar	nd Tex. Health & Safety Cod	0.5
		Rule Cite(S)	30 Tex. Au	iiiii. Code g 25		•	e g
					341.0315(u)	
			Failed to comply	with the maxi	mum contamin	ant level ("MCL") of 0.080 r	nilligram
			• •			("TTHM") based on the loca	_
			running annu	•		ocational running annual av	
	Violation	n Description			• •	on Byproducts at Site 1 we	_
					_	L for the fourth quarter of 2	
			ing/Lior the time	•		quarter of 2020.	1.019, 4114
				0.002 1119/	L TOT CHE THISE C	quarter or 2020.	
						_	B U F 000
						Base	Penalty \$5,000
	<u> </u>						
>> Env	vironmer	ital, Prope	rty and Huma		latrix		
				Harm			
		Release		Moderate	Minor		
OR		Actual		Х			
		Potential				Percent 30.0%	
>>Pro	gramma	tic Matrix					
	J. 3	Falsification	Major	Moderate	Minor		
						Percent 0.0%	
	<u> </u>					0.070	
	Matrix	Exceeding the	MCL for TTHM ca	nused nersons	served by the F	acility to be exposed to a s	gnificant
	Notes	_		•	·	protective of human health	
	Notes	aniou	iit or containinant	.5 WITICIT GIG TIO	t exceed levels	protective of Human health	•
	L						
						Adjustment	\$3,500
						/ tajastiii eiit	\$3,300
							\$1,500
							+ -/
Violatio	on Event	c					
Violati	on Evene						
		Number of \	Violation Events	1	2	74 Number of violation of	lavs
		Number of	riolation Events	1		74 Ivaniber of violation o	lays
			daily				
			daily				
			weekly				
			monthly				
			quarterly			Violation Base	Penalty \$1,500
			semiannual				
			annual	Х			
			single event				
			J 1 21 2.10				
			(One annual eve	ent is recomme	nded	
				one annual eve	ent is recomme	naea.	
	L						
Card	airl FCC			0.00/			1.0
Good F	aith Effo	rts to Com		0.0%	25 (NC) 1 : =-		Reduction \$0
				ore NOE/NOV NO	DE/NOV to EDPRP/	Settlement Offer	
			Extraordinary				
			Ordinary				
			N/A	Х			
			11/ [^			
			<u>.</u> .	The Responder	nt does not me	et the good faith criteria	
			Notes		for this vio		
					75. 61115 4101	ation.	
						actori.	
			<u> </u>			acion.	
			<u> </u>			Violation	Subtotal \$1,500
							Subtotal \$1,500
Econor	nic Bene	fit (EB) for	this violatior	1			
Econor	nic Bene	fit (EB) for	this violation	1		Violation	
Econor	mic Bene	• •	this violatior	1	\$1,226	Violation	Test
Econor	nic Bene	• •		1	\$1,226	Violation Statutory Limit	Test
Econor	nic Bene	• •				Violation Statutory Limit	Test Ity Total \$2,475

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of San Au	igustine (PCW No.	3)				
Case ID No.	-		·				
Reg. Ent. Reference No.	RN103779302	2					
	Public Water S						Years of
Violation No.		, app.,				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		·					
200m 2 00 0m p 00 0m							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2019	1-Apr-2023	3.50	\$58	\$1,168	\$1,226
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a n/a	\$0 \$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	corrective ac	tions to return to quarter of	compliance with f noncompliance	the Mo	CL for TTHM, calcu estimated date of		day of the first
Avoided Costs	ANNU	ALIZE avoided co	osts before er			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 #0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 ¢0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				0.00	η ψ0	Ψ0	ŢŪ
Approx. Cost of Compliance		\$5,000			TOTAL		\$1,226



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014) PCW Revision March 26, 2014 **DATES** Assigned 15-Jun-2020 PCW 16-Jun-2020 Screening 16-Jun-2020 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of San Augustine (PCW No. 4) Reg. Ent. Ref. No. RN103779302 Facility/Site Region 10-Beaumont Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 59457 No. of Violations 1 Docket No. 2020-0818-MLM-E
Media Program(s) Water Quality Order Type Findings Government/Non-Profit Yes
Enf. Coordinator Epifanio Villarreal Multi-Media Public Water Supply EC's Team Enforcement Team 8 Admin. Penalty \$ Limit Minimum Maximum \$25,000

			Pena	Ity Calcula	ation Section	on		
TOTA	L BASE PENA	ALTY (Sum of violation	n base pena	lties)		Subtotal 1	\$1,250
ADJU	STMENTS (+	/-) TC	SUBTOTAL 1	o Donalty (Subtatal	1) by the indicated p	oroontogo		
	Compliance Hi		multiplying the Total Bas	65.0%			otals 2, 3, & 7	\$812
	Notes	Enha	ncement for three NC agreed orde	OVs with the sand rs without a dealer		ons and two		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes		The Respondent d	oes not meet th	e culpability crite	ria.		
	Good Faith Eff	ort to (Comply Total Adjus	tments			Subtotal 5	\$0
	Economic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated		B Amounts \$1,703 Compliance \$10,000	*Сарр	ed at the Total EB \$ /	Amount		
SUM (OF SUBTOTA	LS 1-7				ı	Final Subtotal	\$2,062
			STICE MAY REQUE by the indicated percenta		0.0%		Adjustment	\$0
	Notes			<u> </u>				
						Final Pe	nalty Amount	\$2,062
STATI	JTORY LIMI	T ADJI	JSTMENT			Final Asse	essed Penalty	\$2,062
DEFE					0.0%	Reduction	Adjustment	\$0
Reduces t	he Final Assessed Pe	enalty by	No deferral is re	ecommended fo	r Findings Orders			
PAYA	BLE PENALT	Υ						\$2,062

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Respondent City of San Augustine (PCW No. 4)

Case ID No. 59457

Reg. Ent. Reference No. RN103779302

Media Water Quality

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

	Compliance History Worksheet				
>> Co	mpliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%	
	Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
				1	
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment Percentage (Subtotal 2) 65%				
>> R e	peat Violator	(Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	total 3)	0%
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)			
	Satisfactory	Performer Adjustment Per	rcentage (Sub	total 7)	0%
>> Co	mpliance Hist	ory Summary			
	Compliance History Notes	Enhancement for three NOVs with the same/similar violations and two agreed or denial of liability.	ders without a		
		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)	65%
>> Fina	al Compliance	History Adjustment		_	
		Final Adjustment Percent	age *capped	at 100%	65%

	Scre	ening Date	16-Jun-2020		Dock	cet No. 2020-08	318-MLM-E		PCW
	F	Respondent	City of San Augus	tine (PCW N				Policy	Revision 4 (April 2014)
	C	ase ID No.	59457					PCW R	Revision March 26, 2014
Reg.	Ent. Ref	erence No.							
		Media	Water Quality						
			Epifanio Villarreal						
	Viola	ation Number	1						
		Rule Cite(s)		To	v Water Code	8 26 121(2)			
				16.	x. Water Code	; 9 20.121(a)			
					-	e of wastewater for			
	Violatio	n Description		•	-	r backwash water o-waste discharge	-	-	
		2 000p	_			the backwash pon			
				the	ground and p	olant facilities.			
							Base	e Penalty	\$25,000
								,	
>> En\	vironme	ntal, Propei	ty and Humar		Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual	Major I	viouerate	X				
O.K		Potential			^	Percen	t 5.0%		
							0.070		
>>Pro	gramma	tic Matrix							
		Falsification	Major I	Moderate	Minor				
						Percen	0.0%		
	Matrix		orized discharge fr		-	•			
	Notes	human hea	Ith or the environn	_		•		exceed	
			levels protectiv	ve or numan	nealth of env	vironmental recept	.OFS.		
						Adjustmen	+	\$23,750	
						Aujustillei		Ψ23,730	
								[\$1,250
								[\$1,250
Violatio	on Even	ts						[\$1,250
Violatio	on Even		/iolation Events	1		28 Number	of violation	davs	\$1,250
Violatio	on Even		/iolation Events	1		28 Number	of violation	days	\$1,250
Violatio	on Event		/iolation Events	1		28 Number	of violation	days	\$1,250
Violatio	on Even			1		28 Number	of violation	days	\$1,250
Violatio	on Even		daily	1					
Violatio	on Even		daily weekly monthly quarterly	1 x			of violation		\$1,250 \$1,250
Violatio	on Even		daily weekly monthly quarterly semiannual						
Violatio	on Even		daily weekly monthly quarterly semiannual annual						
Violatio	on Even		daily weekly monthly quarterly semiannual						
Violatio	on Even	Number of \	daily weekly monthly quarterly semiannual annual single event	X		Vid	olation Bas	e Penalty	
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	x x mended, calc		Vi o	olation Bas	e Penalty	
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	x x mended, calc		Vid	olation Bas	e Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event	x mended, calc		Vi o	olation Base	e Penalty	\$1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, 1	x mended, calcoto the date of	of screening, J	Violet the recolune 16, 2020.	olation Base	e Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event Ty event is recomm 2020, 1	x mended, calcoto the date of	of screening, J	Vi o	olation Base	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, 1	x mended, calcoto the date of	of screening, J	Violet the recolune 16, 2020.	olation Base	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event Ty event is recomm 2020, 1	x mended, calcoto the date of the date of the date of the NOE/NOV	of screening, J	Violet the recolune 16, 2020.	olation Base	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, 1	x mended, calcoto the date of	of screening, J	Violet the recolune 16, 2020.	olation Base	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, to ply Extraordinary Ordinary N/A	x nended, calc to the date c 0.0% re NOE/NOV	of screening, J	he date of the reclune 16, 2020. RP/Settlement Offer eet the good faith	ord review, !	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, fr	x nended, calc to the date c 0.0% re NOE/NOV	of screening, J	he date of the reclune 16, 2020. RP/Settlement Offer	ord review, !	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, to ply Extraordinary Ordinary N/A	x nended, calc to the date c 0.0% re NOE/NOV	of screening, J	he date of the reclune 16, 2020. RP/Settlement Offer eet the good faith	ord review, !	e Penalty	\$1,250
		Number of N	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, to ply Extraordinary Ordinary N/A	x nended, calc to the date c 0.0% re NOE/NOV	of screening, J	he date of the reclune 16, 2020. RP/Settlement Offer eet the good faith	ord review, I	e Penalty	\$1,250
Good F	aith Effo	One quarter	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, see the second of the sec	x x mended, cald to the date of the date of the date of the date of the the da	of screening, J	he date of the recune 16, 2020. RP/Settlement Offer eet the good faitholation.	ord review, I	e Penalty May 19, Reduction	\$1,250 \$0
Good F	aith Effo	One quarter	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, to ply Extraordinary Ordinary N/A	x x mended, cald to the date of the date of the date of the date of the the da	of screening, J	he date of the recune 16, 2020. RP/Settlement Offer eet the good faitholation.	ord review, I	e Penalty May 19, Reduction	\$1,250 \$0
Good F	aith Effo	One quarter orts to Com	daily weekly monthly quarterly semiannual annual single event rly event is recomm 2020, see the second of the sec	x x mended, cald to the date of the date of the date of the date of the the da	of screening, J	he date of the rectune 16, 2020. RP/Settlement Offer eet the good faitholation.	ord review, I	e Penalty May 19, Reduction Subtotal	\$1,250 \$0
Good F	aith Effo	One quarter orts to Com	daily weekly monthly quarterly semiannual annual single event Ty event is recomm 2020, 1	x x nended, calcoto the date of the date of the date of the date of the NOE/NOV x ne Responder	NOE/NOV to EDP	he date of the rectune 16, 2020. RP/Settlement Offer eet the good faitholation.	criteria for Violation	May 19, Reduction Subtotal	\$1,250 \$0 \$1,250

	E	conomic	Benefit	Wo	rksheet		
•		gustine (PCW No.	4)				
Case ID No. Reg. Ent. Reference No.							
	Water Quality						Years of
Violation No.	-					Percent Interest	Depreciation
						5.0	15
	I tem Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
I tem Description							
Delayed Costs		1			1	. -	.
Equipment				0.00	\$0	\$0	\$0
Buildings Other	\$5,000	19-May-2020	1-Apr-2022	0.00 1.87	\$0 \$31	\$0 \$623	\$0 \$654
Engineering/Construction	\$5,000	19-101ay-2020	1-Apr-2022	0.00	\$0	\$023	\$034
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5,000	19-Jul-2018	28-Sep-2022	4.20	\$1,049	n/a	\$1,049
Notes for DELAYED costs	from the Fac The Other	cility and dispose initially docur	of it at an authonenting the violenting the estimates	orized fa ation to ated an	acility, calculated for the estimated date on the control of the c	cease the unauthorition the date of the te of compliance. e, identify, and imposed discharge, calcu	investigation
		date of th	ne record review	to the	estimated date of	compliance.	
Avoided Costs	ANNUA	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$10,000			TOTAL		\$1,703

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



Compliance History Report

Compliance History Report for CN600630289, RN103779302, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or CN600630289, City of San Augustine Classification: SATISFACTORY Rating: 18.77

Owner/Operator:

Regulated Entity: RN103779302, CITY OF SAN AUGUSTINE Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

Location: OFF FM 2213 2.5 MILES S OF THE CITY OF SAN AUGUSTINE NEXT TO CITY LAKE SAN AUGUSTINE, TX, SAN

AUGUSTINE COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2030001

Compliance History Period: September 01, 2015 to August 31, 2020 Rating Year: 2020 Rating Date: 09/01/2020

Date Compliance History Report Prepared: October 28, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2015 to October 28, 2020

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

Name: EPIFANIO VILLARREAL Phone: (361) 825-3421

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: 02/04/2016 ADMINORDER 2015-1136-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for

trihalomethanes with a LRAA of 0.113 mg/L at Baseball Complex (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 1Q2015 - During the first quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.106 mg/L at Baseball Complex (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 4Q2014 - During the fourth quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.099 mg/L at Baseball Complex (DBP2-02).

2 Effective Date: 06/18/2019 ADMINORDER 2018-1067-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 437 ST HWY 147 S, San Augustine (DBP2-01).

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP2 MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the first quarter of 2018.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 437 ST HWY 147 S, San Augustine (DBP2-01); and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at Baseball Complex HWY 21, San Augustine (DBP2-02).

B. Criminal convictions:

ΝΙ/Δ

C. Chronic excessive emissions events:

N/A

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

Item 2 July 05, 2018 (1497206)

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.

Date: 12/04/2019 (1639880)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 3Q2019 During the 3rd quarter of 2019 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

2 Date: 01/28/2020 (1639880)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 4Q2019 During the 4th quarter of 2019 the system violatedthe

maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

3 Date: 03/19/2020 (1639880)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: TTHM LRAA MCL 1Q2020 During the 1st quarter of 2020 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

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:

Compliance History Report for CN600630289, RN103779302, Rating Year 2020 which includes Compliance History (CH) components from October 28, 2015, through October 28, 2020. Ratings are pending Mass Classification.

Sites Outside of Texas:

N/A

Component Appendices

Description:

Appendix A

All NOVs Issued During Component Period 10/28/2015 and 10/28/2020

1 04/13/2018 (1493524)Date: or Informational PClassification: Self Report? NO Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1) 5A THSC Chapter 341, SubChapter A 341.0315(c) TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the Description: maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 437 ST HWY 147 S, San Augustine (DBP2-01). 2 Date: 05/29/2018 (1493524)O For Informational pClassification: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A) Self Report? Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.122(f) Description: TTHM DBP2 MCL PN 1Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the first quarter of 2018. 07/10/2018 (1493524)3 Date: Classification:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 241, SubChapter F 290.115(f)(1) Self Report? NO Moderate Citation: 5A THSC Chapter 341, SubChapter A 341.0315(c) Description: TTHM LRAA MCL 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 437 ST HWY 147 S, San Augustine (DBP2-01); and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at Baseball Complex HWY 21, San Augustine (DBP2-02). Date: 09/17/2018 (1513197)Classification:
30 TAC Chapter 290, SubChapter D 290.46(f)(2) Self Report? Citation: Failure by the City of San Augustine to have operating records accessible for review Description: upon request. Classification:
30 TAC Chapter 290, SubChapter D 290.46(m)(4) Self Report? Citation: Description: Failure by the City of San Augustine to all plant equipment in a water tight condition. Self Report? O Classification: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(i) Citation: Failure by the City of San Augustine to maintain records of granted exceptions. Description: Classification: Self Report? O For Informational F 30 TAC Chapter 290, SubChapter D 290.46(I) Minor Citation: Failure by the City of San Augustine to flush all dead end mains on a monthly basis. Description: Classification: Self Report? NO O For Informational P 30 TAC Chapter 290, SubChapter D 290.46(m) Minor Citation: Failure by the City of San Augustine to maintain the clarifier in a good working condition Description: and appearance. Self Report? Classification: Moderate IO For Informational F 2D TWC Chapter 26, SubChapter A 26.121(a) Citation: Failure by the City of San Augustine to prevent the discharge of wastewater into or Description: adjacent to water in the state at any location not permitted as an outfall. Informational PClassification Self Report? 30 TAC Chapter 290, SubChapter D 290.43(e) Citation: Failure by the City of San Augustine to maintain the intruder resistant fences at the Description: Highway 147 plant, Highway 96 elevated storage tank, and the Light Plant. ormational pClassification: OrMinor Self Report? 30 TAC Chapter 290, SubChapter D 290.43(d)(3) Citation: Failure by the City of San Augustine to equip the air injection line at the Highway 147 Description: Booster Plant with a filter. O For Informational PClassification: O Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(3) Self Report? Citation:

Storage Tank at a location where it cannot be submerged.

Compliance History Report for CN600630289, RN103779302, Rating Year 2020 which includes Compliance History (CH) components from October 28, 2015, through October 28, 2020. Ratings are pending Mass Classification.

Failure by the City of San Augustine to terminate the overflows on the Hospital Elevated

Classification: Self Report?

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

Failure by the City of San Augustine to ensure the good working condition and general Description:

appearance of the system's facilities and equipment.

Self Report? Classification:

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

Description: Failure by the City of San Augustine to maintain smaller than a 1/16 inch gap on the

gravity-hinged weighted cover on the overflow located on the chlorine contact basin and

the ground storage tank at the surface water treatment plant.

Self Report? Classification:

Cla 30 TAC Chapter 290, SubChapter D 290.44(h)(4) Citation:

Failure by the City of San Augustine to conduct annual accuracy tests on backflow Description:

prevention assemblies within the distribution system.

formational pclassification: Self Report? NO

30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C) Citation:

Failure by the City of San Augustine to have a continuous monitoring turbidimeter for Description:

the combined filter effluent.

For Informational PClassification: 30 TAC Chapter 290, SubChapter D 290.46(f)(2) Self Report?

Citation:

Failure by the City of San Augustine to maintain records of the accuracy checks Description:

conducted on the disinfectant residual analyzer every 90 days.

Classification: Self Report? NO

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii) Citation:

Description: Failure by the City of San Augustine to check the accuracy of the continuous disinfectant

residual analyzer at least once every seven days or by comparing the results from the

on-line analyzer.

Informational PClassification: Self Report?

30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C) Citation:

Failure by the City of San Augustine to have a restricted zone designated with signs Description:

recounting the restrictions.

O For Informational Classification: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B) Self Report? Moderate

Citation:

Failure by the City of San Augustine to employ at least one operator with a Class "C" Description:

surface water license.

5* Date: 12/04/2019 (1639880)

> Self Report? NO Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.115(f)(1) Citation:

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

TTHM LRAA MCL 302019 During the 3rd quarter of 2019 the system violated the Description:

maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

6* Date: 01/28/2020 (1639880)

> Classification:
> 30 TAC Chapter 290, SubChapter F 290.115(f)(1) Self Report? Moderate

Citation:

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

Description: TTHM LRAA MCL 4Q2019 During the 4th quarter of 2019 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

03/19/2020 Date: (1639880)

> Classification:
> 30 TAC Chapter 290, SubChapter F 290.115(f)(1) Self Report? Moderate

Citation:

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

TTHM LRAA MCL 1Q2020 During the 1st quarter of 2020 the system violated the Description:

maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 437 ST

HWY 147 S, San Augustine (DBP2-01).

^{*} NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B

All Investigations Conducted During Component Period October 28, 2015 and October 28, 2020

Item 1	April 26, 2016**	For (1321726) mational Purposes Only
Item 2	November 28, 2016**	For (1345060) mational Purposes Only
Item 3*	July 05, 2018**	For (14977206) mational Purposes Only
Item 4	July 20, 2018**	For (1493524) mational Purposes Only
Item 5	July 27, 2018**	For (1504870) mational Purposes Only
Item 6	September 14, 2018**	For (1513197) mational Purposes Only
Item 7	September 10, 2019**	For (1592783) mational Purposes Only
Item 8	March 31, 2020**	For (1639880) mational Purposes Only
Item 9	April 03, 2020**	For (1640043) mational Purposes Only
Item 10	June 09, 2020**	For (1650888) mational Purposes Only

^{*} No violations documented during this investigation

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF SAN AUGUSTINE	§	
RN103779302	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2020-0818-MLM-E

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ	") considered this agreement of the parties, resolving an enforcement
action regarding the Ci	ty of San Augustine (the "Respondent") under the authority of TEX.
HEALTH & SAFETY CODE	ch. 341 and Tex. Water Code chs. 7 and 26. The Executive Director of
the TCEQ, through the	Enforcement Division, and the Respondent presented this Order to the
Commission.	- · · · · · · · · · · · · · · · · · · ·

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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 the Respondent.

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located off Farm-to-Market Road 2213, 2.5 miles south of the City of San Augustine next to Lake San Augustine, San Augustine County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,874 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. Admin. Code § 290.38(71). The Facility is near or adjacent to water in the state as defined in Tex. Water Code § 26.001(5).
- 2. During a record review conducted on May 19, 2020, an investigator documented that:
 - a. The results of inspections for all water and pressure maintenance facilities and the Customer Service Inspection reports were not available on-site for review.

- b. According to the flushing log, the dates that flushing occurred did not correspond to the month listed on the form and not all dead-end mains were flushed during the month.
- c. The caustic secondary containment and equipment had crystalized caustic over the equipment. In addition, the pressure tank at the Light Plant and the optional settling tank at the surface water treatment plant had been out of service for more than 120 days. In addition, the fences at the Hospital Booster Plant and Highway 96 Elevated Storage Tank were not kept free of vegetation.
- d. The intruder-resistant fence at Highway 147 had one strand of barbed wire around the plant, and gaps were noted under the fences at the Highway 96 Elevated Storage Tank and the Light Plant Ground Storage Tank.
- e. The Hospital Elevated Storage Tank overflow discharge opening was not located at a level which is not subject to submergence.
- f. The filter backwash water was being discharged at a volume higher than what the filter-to-waste discharge drain could handle. Additionally, the water was not going into the backwash pond, but instead all over the ground and plant facilities.
- 3. During a record review conducted on March 23, 2020 through April 3, 2020, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.083 milligram per liter ("mg/L") for the third quarter of 2019, 0.081 mg/L for the fourth quarter of 2019, and 0.082 mg/L for the first quarter of 2020.

II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 26, and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a. the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(D)(ii), and (f)(3)(E)(iv).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 Tex. ADMIN. CODE § 290.46(l).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 Tex. ADMIN. CODE § 290.46(m).

- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to provide an intruder-resistant fence or well house around each treatment plant, well unit, potable water treatment plant, pressure maintenance facility and related appurtenances that remains locked during periods of darkness and when the facility is unattended, in violation of 30 Tex. Admin. Code §§ 290.42(m) and 290.43(e).
- 6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to ensure the discharge opening of the overflows were above the surface of the ground and were not subject to submergence, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(3).
- 7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to prevent an unauthorized discharge of wastewater from the surface water treatment plant filters, in violation of Tex. Water Code § 26.121(a).
- 8. As evidenced by Finding of Fact No. 3, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE § 290.115(f)(1) and Tex. HEALTH & SAFETY CODE § 341.0315(c).
- 9. Pursuant to Tex. Health & Safety Code § 341.049(a) and Tex. Water Code § 7.051, the TCEQ has the authority to assess an administrative penalty against the 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.
- An administrative penalty in the amount of \$16,302 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Health & Safety Code \$341.049(b) and Tex. Water Code \$7.053. Pursuant to Tex. Water Code \$7.067, \$16,302 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" incorporated herein by reference). The 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 the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 10 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the 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

that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of San Augustine, Docket No. 2020-0818-MLM-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete an SEP as set forth in Section II, Conclusion of Law No. 10. The amount of \$16,302 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of 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. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease the unauthorized discharge from the surface water treatment plant filters, in accordance with TEX. WATER CODE § 26.121.
 - b. Within 15 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, including but not limited to the results of inspections for all water and pressure maintenance facilities and Customer Service Inspection reports, in accordance with 30 Tex. ADMIN. CODE § 290.46;
 - ii. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 Tex. Admin. Code § 290.46. This provision will be satisfied upon three months of consecutive compliant monthly flushing;
 - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the crystalized caustic on the secondary containment and equipment, repairing or disconnecting the pressure tank at the Light Plant and the optional settling tank to the surface water

- treatment plant, and removing the vegetation from the fences at the Hospital Booster Plant and the Highway 96 Elevated Storage Tank, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
- iv. Repair the intruder-resistant fences at Highway 147, Highway 96 Elevated Storage Tank, and Light Plant Ground Storage Tank, in accordance with 30 Tex. Admin. Code §§ 290.42 and 290.43.
- d. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.iii through 3.c.iv.
- e. Within 60 days after the effective date of this Order, relocate the discharge opening of the overflow for the Hospital Elevated Storage Tank, in accordance with 30 Tex. Admin. Code § 290.43.
- f. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.ii.
- h. Within 180 days after the effective date of this Agreed Order, investigate, identify, and implement the necessary corrective actions to return to compliance with the unauthorized discharge.
- i. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.k below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.h.
- j. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM based on a locational running annual average, in accordance with 30 Tex. Admin. Code § 290.115.
- k. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.j. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1830

and a copy to:

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

- 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 the Respondent. The 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 Respondent fails to comply with Ordering Provision Nos. 2, 3.a and 3.h in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 7. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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.
- 8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
- 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, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 11. 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.
- 12. 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.

City of San Augustine DOCKET NO. 2020-0818-MLM-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	3/16/2022 Date
I, the undersigned, have read and understand the the attached Order, and I do agree to the terms a acknowledge that the TCEQ, in accepting payment on such representation.	nd conditions specified therein. I further
I also understand that failure to comply with the and/or failure to timely pay the penalty amount,	•
 A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney General additional penalties, and/or attorney fees, of the Increased penalties in any future enforcement. Automatic referral to the Attorney General's TCEQ seeking other relief as authorized by 	l's Office for contempt, injunctive relief, or to a collection agency; ent actions; s Office of any future enforcement actions; and
Signature Name (Printed or typed) Authorized Representative of City of San Augustine	ocuments may result in criminal prosecution. Date Chy Manager Title
$\ \square$ If mailing address has changed, please check	this box and provide the new address below:

Attachment A

Docket Number: 2020-0818-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of San Augustine
Penalty Amount:	Sixteen Thousand Three Hundred Two Dollars (\$16,302)
SEP Offset Amount:	Sixteen Thousand Three Hundred Two Dollars (\$16,302)
Type of SEP:	Compliance
Project Name:	WWTP Improvements
Location of SEP:	San Augustine 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 supply (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 clean up and properly dispose of caustic materials from the Facility's caustic containment area. Disposal of the caustic crystallization by a licensed hazmat service will eliminate the need to pass neutralized material back into the lake via the sludge lagoon. The contractor will also remove and properly dispose of vegetation from the perimeter fence at the Facility, and the fences at the Hospital Booster Plant and the Highway 96 Elevated Storage Tank. The contractor will also perform repairs to the fences at Highway 147, the Highway 96 Elevated Storage Tank, and the Light Plant Ground Storage Tank. The contractor will also relocate the discharge opening of the overflow at the Hospital Booster Plant. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: caustic cleanup and disposal, vegetation cleanup and disposal, fence repairs, and discharge relocation (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.

City of San Augustine Docket No. 2020-0818-MLM-E Attachment A

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 illnesses 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	Quantity	Cost	Units	Total
Caustic Cleanup and Disposal	1	\$4,500	Lump Sum	\$4,500
Vegetation Cleanup at the Highway 96 Elevated Storage Tank	1000	\$2	Linear Feet	\$2,000
Vegetation Cleanup at the Hospital Booster Plant	1000	\$2	Linear Feet	\$2,000
Fence Repair at Highway 147	100	\$6	Linear Feet	\$600
Fence Repair at the Highway 96 Elevated Storage Tank	1000	\$6	Linear Feet	\$6,000
Fence Repair at the Light Plant Ground Storage Tank	100	\$6	Linear Feet	\$600
Discharge Outlet Relocation at the Hospital Booster Plant	1	\$1,500	Lump Sum	\$1,500
Total				\$17,200

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 75 days after the effective date of this Agreed Order.

City of San Augustine Docket No. 2020-0818-MLM-E Attachment A

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 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the Project.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 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. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials;
- 8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
- 9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

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

City of San Augustine Docket No. 2020-0818-MLM-E Attachment A

> 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.