

City of Lawn

RN101406916

Docket No. 2020-1245-MLM-E

Order Type:

Agreed Order

Media:

MLM: PWS and WR

Small Business:

N/A

Location Where Violations Occurred:

150 Main Street, Lawn, Taylor County

Type of Operation:

Public Water System

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2023-1791-PWS-E

Past-Due Penalties: None

Past-Due Fees: \$1,716.54

Other: None

Interested Third Parties: None

Texas Register Publication Date: June 12, 2026**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$17,906**Total Paid to General Revenue:** N/A**Total Due to General Revenue:** N/A**Supplemental Environmental Project****("SEP") Conditional Offset:** \$17,906

Name of SEP: Water Line Improvements

Compliance History Classifications:

Person/CN: Satisfactory

Site/RN: N/A

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** April 1, 2014**Investigation Information****Complaint Date:** N/A**Date of Investigation:** July 15, 2020**Date of NOV:** N/A**Date of NOE:** August 31, 2020

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Violation Information

1. 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)].
2. Failed to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting recreational activities and trespassing, designated with signs recounting these restrictions [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].
3. Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].
4. Failed to install the raw water pump station and all appurtenances in a lockable building that is designed to prevent intruder access or enclose them in an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.41(e)(5)].
5. Failed to install all potable water storage tanks and pressure maintenance facilities in a lockable building or enclose them in an intruder-resistant fence with lockable gates to prevent intruder access [30 TEX. ADMIN. CODE § 290.43(e)].
6. Failed to ensure that the Facility's ground storage tank ("GST") hatch remains locked except during inspection and maintenance [30 TEX. ADMIN. CODE § 290.43(c)(2)].
7. Failed to inspect the Facility's GSTs annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
8. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device [30 TEX. ADMIN. CODE § 290.42(d)(2)(C)].
9. Failed to calibrate the benchtop pH meter with at least one buffer each time a series of samples was run [30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(ii)].
10. Failed to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and with secondary standards each time a series of samples was tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (ii)].
11. Failed to calibrate the on-line turbidimeters at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line units with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].
12. Failed to calibrate the continuous disinfectant residual analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method in accordance with 30 TEX. ADMIN. CODE § 290.119 [30 TEX. ADMIN. CODE 290.46(s)(2)(C)(ii)].
13. Failed to provide a flow-measuring device to properly measure the raw water supplied to the water treatment plant [30 TEX. ADMIN. CODE §§ 290.42(d)(5) and 290.46(m)].
14. Failed to provide containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
15. Failed to provide vacuum breakers on each hose bibb within the plant facility [30 TEX. ADMIN. CODE § 290.42(d)(2)(A)].
16. Failed to provide all GSTs with a liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].
17. Failed to use a water works operator who holds an applicable, valid license issued by the Executive Director [TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e)].
18. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].

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19. Failed to complete a Customer Service Inspection (“CSI”) certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contaminant hazards exist [30 TEX. ADMIN. CODE § 290.46(j)].
20. Failed to provide all chemical day tanks with a label that identifies the tank’s contents and a device that indicates the amount of chemical remaining in the tank [30 TEX. ADMIN. CODE § 290.42(f)(1)(C)].
21. Failed to create a nitrification action plan (“NAP”) for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
22. Failed to review and update, as appropriate, the drought contingency plan (“DCP”) at least every five years [30 TEX. ADMIN. CODE § 288.20(c)].

Corrective Actions/Technical Requirements

Corrective Actions Completed:

Respondent implemented the following corrective measures at the Facility:

- a. Decommissioned and inactivated the Surface Water Treatment Plant from the public water system as of December 14, 2022;
- b. Conducted an inspection of the Hudson GST on October 10, 2023;
- c. Began flushing all dead-end mains at monthly intervals as of May 3, 2023;
- d. Began to use a water works operator who holds an applicable, valid license issued by the Executive Director as of May 4, 2023;
- e. Locked the gate and maintained the fence at the Jordan Standpipe as of June 19, 2023;
- f. Provided a liquid level indicator at the Hudson GST as of June 19, 2023;
- g. Completed CSI certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contaminant hazards exist as of July 31, 2023; and
- h. Reviewed and updated, as appropriate, the DCP on April 23, 2024.

Technical Requirements:

1. Within 30 days:
 - a. Inspect the Chatham GST and Jordan Standpipe; and
 - b. Create a NAP.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent.

Litigation Information

Date Petitions Filed:

November 14, 2023; December 13, 2023

Date of Service:

unclaimed; January 2, 2024

Settlement Date:

April 17, 2026

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Contact Information

TCEQ Attorneys: Taylor Pack Ellis, Litigation Division, (512) 239-6860
Pranjal Mehta, Public Interest Counsel, (512) 239-6363

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

TCEQ SEP Coordinator: Adena Crider, Litigation Division, (512) 239-0648

TCEQ Enforcement Coordinator: Claudia Bartley, Enforcement Division, (512) 239-1116

TCEQ Regional Contact: Cliff Moore, P.G., Abilene Regional Office, (325) 698-6115

Respondent Contacts: The Honorable Veronica Burleson, Mayor of City of Lawn, P.O. Box 246, Lawn,
Texas 79530
Tammy Gregory, City Secretary, (325) 583-2510

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	8-Sep-2020	Screening	10-Sep-2020	EPA Due	
	PCW	10-Sep-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lawn (PCW No. 1)
Reg. Ent. Ref. No.	RN101406916
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	59819	No. of Violations	20
Docket No.	2020-1245-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Claudia Bartley
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,050
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$5,422
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,829
Estimated Cost of Compliance	\$13,700

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,472
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$17,472
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,472
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$17,472
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Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)	Policy Revision 4 (April 2014)		
Case ID No.	59819	PCW Revision September 1, 2019		
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the backwash tank had excessive rust and a hole where the overflow connects to the tank.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	1	57	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

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

Violation Subtotal \$250

\$0

Economic Benefit (EB) for this violation

Estimated EB Amount	\$847	Statutory Limit Test
		Violation Final Penalty Total \$363
		This violation Final Assessed Penalty (adjusted for limits) \$363

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	24-Aug-2017	4-Sep-2021	4.03	\$40	\$807	\$847
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the back washtank, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$847

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(e)(2)(C)			
Violation Description	Failed to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting recreational activities and trespassing, designated with signs recounting these restrictions.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to establish a restricted zone designated with signs and prohibiting recreational activities and trespassing could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
	Adjustment				\$4,750
					\$250

Violation Events					
	Number of Violation Events	1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$250
	semiannual				
	annual				
	single event				
	One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.				

Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal			\$250

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$147	Violation Final Penalty Total	\$363
This violation Final Assessed Penalty (adjusted for limits)		\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	24-Aug-2017	3-Nov-2021	4.20	\$7	\$140	\$147
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to establish a restricted zone with signs prohibiting recreational activities and trespassing, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.							
Notes for DELAYED costs							

Avoided Costs

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

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

Approx. Cost of Compliance \$500

TOTAL \$147

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>	
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(4)(C)				
Violation Description	Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine. Specifically, the switch for the ventilation fan was located inside the chlorine gas storage room.				
		Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to provide a fan switch located outside the enclosure containing more than one operating 150-pound cylinder of chlorine could expose employees to contaminants which would exceed levels protective of human health.				
	Adjustment	\$4,250			
		\$750			
Violation Events					
	Number of Violation Events	2	57	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
	Violation Base Penalty	\$1,500			
	Two monthly events are recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.				
Good Faith Efforts to Comply	0.0%	Reduction \$0			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal	\$1,500			
Economic Benefit (EB) for this violation					
	Statutory Limit Test				
Estimated EB Amount	\$72	Violation Final Penalty Total	\$2,175		
This violation Final Assessed Penalty (adjusted for limits)		\$2,175			

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$250	24-Aug-2017	4-Oct-2021	4.12	\$3	\$69	\$72
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a fan switch located outside the enclosure containing more than one operating 150-pound cylinder of chlorine, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$250	TOTAL	\$72
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Screening Date 10-Sep-2020 Respondent City of Lawn (PCW No. 1) Case ID No. 59819 Reg. Ent. Reference No. RN101406916 Media Public Water Supply Enf. Coordinator Claudia Bartley	Docket No. 2020-1245-MLM-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision September 1, 2019</i>
Violation Number 4		
Rule Cite(s) 30 Tex. Admin. Code § 290.41(e)(5)		
Violation Description Failed to install the raw water pump station and all appurtenances in a lockable building that is designed to prevent intruder access or enclose them in an intruder-resistant fence with lockable gates.		
Base Penalty		\$5,000
>> Environmental, Property and Human Health Matrix		
OR	Release Major Moderate Minor Actual Potential x	Percent 15.0%
	>> Programmatic Matrix	
	Falsification Major Moderate Minor 	Percent 0.0%
Matrix Notes	Failure to protect the raw water pump station and all appurtenances could expose persons served by the Facility to contaminants which would exceed levels protective of human health.	
Adjustment		\$4,250
		\$750
Violation Events		
Number of Violation Events 2		57 Number of violation days
daily weekly monthly quarterly semiannual annual single event	 x 	Violation Base Penalty \$1,500
Two monthly events are recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.		
Good Faith Efforts to Comply		Reduction \$0
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary Ordinary N/A Notes	 x The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$1,500
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount	\$735	Violation Final Penalty Total \$2,175
This violation Final Assessed Penalty (adjusted for limits)		\$2,175

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	24-Aug-2017	3-Nov-2021	4.20	\$35	\$700	\$735
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install the raw water pump station and all appurtenances in a lockable building or enclose them in an intruder-resistant fence with lockable gates to prevent intruder access, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$735

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819				<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	5				
Rule Cite(s)	30 Tex. Admin. Code § 290.43(e)				
Violation Description	Failed to install all potable water storage tanks and pressure maintenance facilities in a lockable building or enclose them in an intruder-resistant fence with lockable gates to prevent intruder access. Specifically, the gate to the Jordan Standpipe was not locked, and the fence in the rear of the enclosure was not being maintained to prevent intruder passage.				
		Base Penalty	\$5,000		

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to lock the gate and maintain the intruder-resistant fence at the standpipe could result in contamination of the Facility by trespassers exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,750
	\$250

Violation Events

Number of Violation Events	1	Number of violation days	57														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event			
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
		Violation Base Penalty	\$250														

One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

	0.0%		Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$250	

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$168
	Violation Final Penalty Total
	\$363
	This violation Final Assessed Penalty (adjusted for limits)
	\$363

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	24-Aug-2017	3-Nov-2021	4.20	\$7	\$140	\$147
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	24-Aug-2017	3-Nov-2021	4.20	\$21	n/a	\$21
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 other delayed cost includes the estimated amount to maintain the intruder-resistant fence in the rear of the enclosure at the Jordan Standpipe, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The training/sampling delayed cost includes the estimated amount to reinforce existing procedures that all gates that protect potable water storage tanks and pressure maintenance facilities are kept locked while unattended, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$168

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)	Policy Revision 4 (April 2014) PCW Revision September 1, 2019		
Case ID No.	59819			
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(2)			
Violation Description	Failed to ensure that the Facility's ground storage tank ("GST") hatch remains locked except during inspection and maintenance. Specifically, the backwash tank and Chatham GST had roof hatches that were not provided with locks.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Failure to ensure that the roof hatches are locked could allow unauthorized access to the backwash tank and GST and could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	1	57	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$3	Violation Final Penalty Total \$363
This violation Final Assessed Penalty (adjusted for limits) \$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	15-Jul-2020	4-Sep-2021	1.14	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the roof hatches for the backwash tank and Chatham GST remain locked except during inspections and maintenance, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>	
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	7				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)				
Violation Description	Failed to inspect the Facility's GSTs annually. Specifically, tank inspection records were not available for the Hudson and Chatham GSTs, the Jordan and Lawn Standpipes, and the backwash tank.				
		Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to inspect the GSTs and standpipes on an annual basis could cause the non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
		Adjustment	\$4,750		
			\$250		
Violation Events					
	Number of Violation Events	5	365	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			Violation Base Penalty \$1,250
	Five single events are recommended, one for each tank.				
Good Faith Efforts to Comply					
		0.0%		Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,250		
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$219	Violation Final Penalty Total	\$1,813	
	This violation Final Assessed Penalty (adjusted for limits)				\$1,813

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$205	15-Jul-2020	4-Sep-2021	1.14	\$12	n/a	\$12
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct an annual inspection of the GSTs and standpipes (\$41 per tank x five tanks), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$205	15-Jul-2020	10-Sep-2020	0.16	\$2	\$205	\$207
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct an annual inspection of the GSTs and standpipes (\$41 per tank x five tanks), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$410

TOTAL

\$219

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819				<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	8				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(2)(C)				
Violation Description	Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device. Specifically, the chlorine gas make-up water supply line at the water treatment plant did not have backflow protection installed.				
		Base Penalty	\$5,000		

>> Environmental, Property and Human Health Matrix

OR		Harm	Major	Moderate	Minor	
	Release					
	Actual					
	Potential	x				Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	2	Number of violation days	57
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daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

0.0%	Reduction
Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$80	Statutory Limit Test
		Violation Final Penalty Total \$2,175
		This violation Final Assessed Penalty (adjusted for limits) \$2,175

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	15-Jul-2020	4-Sep-2021	1.14	\$4	\$76	\$80
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide the chlorine gas make-up water supply line with an air gap or other acceptable backflow prevention device, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$80

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(A)(ii)			
Violation Description	Failed to calibrate the benchtop pH meter with at least one buffer each time a series of samples was run.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
	Potential		x		

>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to calibrate the benchtop pH meter could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
				Adjustment	\$4,750
					\$250

Violation Events					
	Number of Violation Events	1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		Violation Base Penalty \$250
	One single event is recommended.				

Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal	\$250

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$1	Violation Final Penalty Total	\$363
This violation Final Assessed Penalty (adjusted for limits)		\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$25	15-Jul-2020	4-Sep-2021	1.14	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the benchtop pH meter with at least one buffer each time a series of samples is run, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)			Policy Revision 4 (April 2014)	
Case ID No.	59819			PCW Revision September 1, 2019	
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	10				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and (ii)				
Violation Description	Failed to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and with secondary standards each time a series of samples was tested.				
		Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual				
	Potential		x		
			Percent	5.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to calibrate the benchtop turbidimeter could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
		Adjustment	\$4,750		
			\$250		
Violation Events					
	Number of Violation Events	1	57	Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly			
		semiannual			
		annual			
		single event	x		
			Violation Base Penalty	\$250	
	One single event is recommended.				
Good Faith Efforts to Comply		0.0%	Reduction	\$0	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$250		
Economic Benefit (EB) for this violation		Statutory Limit Test			
	Estimated EB Amount	\$11	Violation Final Penalty Total	\$363	
	This violation Final Assessed Penalty (adjusted for limits)			\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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	\$10	15-Jul-2020	4-Sep-2021	1.14	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the benchtop turbidimeter (\$5 per device x two types of calibrations), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$10	15-Jul-2020	10-Sep-2020	0.16	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to verify the accuracy of the benchtop turbidimeter (\$5 per device x two types of calibrations), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$20

TOTAL

\$11

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>	
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>	
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	11				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(B)(iv)				
Violation Description	Failed to calibrate the on-line turbidimeters at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line units with the results from a properly calibrated benchtop unit.				
		Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm	Moderate	Minor
	Actual				
	Potential		x		
			Percent	5.0%	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
			Percent	0.0%	
Matrix Notes	Failure to calibrate the on-line turbidimeter could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
		Adjustment	\$4,750		
			\$250		
Violation Events					
	Number of Violation Events	1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
			Violation Base Penalty	\$250	
	One single event is recommended.				
Good Faith Efforts to Comply		0.0%	Reduction	\$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
		Violation Subtotal	\$250		
Economic Benefit (EB) for this violation			Statutory Limit Test		
	Estimated EB Amount	\$5	Violation Final Penalty Total	\$363	
	This violation Final Assessed Penalty (adjusted for limits)			\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5	15-Jul-2020	4-Sep-2021	1.14	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the on-line turbidimeter (\$5 per device x one type of calibration), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	15-Jul-2020	10-Sep-2020	0.16	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to verify the accuracy of the on-line turbidimeter (\$5 per device x one type of calibration), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$10

TOTAL

\$5

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(C)(ii)			
Violation Description	Failed to calibrate the continuous disinfectant residual analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of approved benchtop method in accordance with 30 Tex. Admin. Code § 290.119.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to calibrate the continuous disinfectant residual analyzer could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
		Adjustment	\$4,750	
			\$250	
Violation Events				
	Number of Violation Events	1	57	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event		x	
				Violation Base Penalty \$250
	One single event is recommended.			
Good Faith Efforts to Comply				
		0.0%		Reduction \$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$250	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$5	Violation Final Penalty Total	\$363
	This violation Final Assessed Penalty (adjusted for limits)			\$363

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$5	15-Jul-2020	4-Sep-2021	1.14	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the continuous disinfectant residual analyzer (\$5 per device x one type of calibration), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	15-Jul-2020	10-Sep-2020	0.16	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to verify the accuracy of the continuous disinfectant residual analyzer (\$5 per device x one type of calibration), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$10

TOTAL

\$5

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW	
Respondent	City of Lawn (PCW No. 1)	Policy Revision 4 (April 2014)			
Case ID No.	59819	PCW Revision September 1, 2019			
Reg. Ent. Reference No.	RN101406916				
Media	Public Water Supply				
Enf. Coordinator	Claudia Bartley				
Violation Number	13				
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(m) and 290.42(d)(5)				
Violation Description	Failed to provide a flow-measuring device to properly measure the raw water supplied to the water treatment plant. Specifically, the raw water meter was not properly calibrated to an accuracy of +/-2% as required by the American Water Works Association standards.				
Base Penalty				\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual				
	Potential			x	Percent 3.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.				
Adjustment				\$4,850	
				\$150	
Violation Events					
Number of Violation Events		1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x	Violation Base Penalty \$150	
One single event is recommended.					
Good Faith Efforts to Comply		0.0%		Reduction \$0	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$150	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$120		Violation Final Penalty Total \$218	
This violation Final Assessed Penalty (adjusted for limits)				\$218	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	15-Jul-2020	4-Sep-2021	1.14	\$6	\$114	\$120
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate to an accuracy of +/- 2% or replace the raw water meter, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$120

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)			
Violation Description	Failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the caustic and liquid ammonium sulfate ("LAS") containers at the raw water tank, the barrels of polymer and aluminum chlorohydrate, the LAS stock tank, and the sodium permanganate container at the water treatment plant had no containment facilities.			
Base Penalty	\$5,000			
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
Potential		x		
Percent	5.0%			
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent	0.0%			
Matrix Notes	Failure to provide adequate containment for all liquid chemical storage tanks could expose employees or the environment to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment	\$4,750			
	\$250			
Violation Events				
Number of Violation Events	1	57	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty	\$250			
One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.				
Good Faith Efforts to Comply	0.0%	Reduction	\$0	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal	\$250			
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$228	Violation Final Penalty Total	\$363	
This violation Final Assessed Penalty (adjusted for limits)				
\$363				

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	15-Jul-2020	3-Nov-2021	1.30	\$11	\$217	\$228
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide adequate containment facilities for the caustic and LAS containers at the raw water tank, the barrels of polymer and aluminum chlorohydrate, the LAS stock tank, and the sodium permanganate container at the water treatment plant, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$228

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	59819	<i>PCW Revision September 1, 2019</i>		
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	15			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(2)(A)			
Violation Description	Failed to provide vacuum breakers on each hose bibb within the plant facility. Specifically, the hose bibb inside the chemical room did not have a vacuum breaker.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to provide vacuum breakers on each hose bibb within the plant facility could result in the introduction of a significant amount of contaminants which would exceed levels protective of human health.
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Adjustment	\$4,250
\$750	

Violation Events

Number of Violation Events	2	Number of violation days	57
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	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$1,500
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Two monthly events are recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.	
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Good Faith Efforts to Comply

	0.0%			Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
Extraordinary					
Ordinary					
N/A	x				
Notes	The Respondent does not meet the good faith criteria for this violation.				

Violation Subtotal	\$1,500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$1	Statutory Limit Test	
		Violation Final Penalty Total	\$2,175
This violation Final Assessed Penalty (adjusted for limits)			\$2,175

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$15	15-Jul-2020	4-Sep-2021	1.14	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a vacuum breaker on the hose bibb in the chemical room, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15

TOTAL

\$1

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	59819	<i>PCW Revision September 1, 2019</i>		
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	16			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(4)			
Violation Description	Failed to provide all GSTs with a liquid level indicator. Specifically, the liquid level indicator at the Hudson GST was not working properly, and the backwash tank did not have a liquid level indicator.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to provide a liquid level indicator may not allow the operator to make necessary adjustments for production and usage calculations which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events	1	57	Number of violation days
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daily			Violation Base Penalty \$150
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		

One single event is recommended.

Good Faith Efforts to Comply

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$35
	Violation Final Penalty Total \$218
This violation Final Assessed Penalty (adjusted for limits) \$218	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$400	15-Jul-2020	4-Oct-2021	1.22	\$2	\$33	\$35
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the liquid level indicators for the Hudson GST and provide a liquid level indicator for the backwash tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$35

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	17			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(e) and Tex. Health & Safety Code § 341.033(a)			
Violation Description	Failed to use a water works operator who holds an applicable, valid license issued by the Executive Director. Specifically, an unlicensed individual was collecting disinfectant zone samples.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to use a licensed water works operator to collect disinfectant zone samples could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health				
	Adjustment	\$4,750			
		\$250			

Violation Events				
Number of Violation Events	1	57	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$250
	semiannual			
	annual			
	single event			
	One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.			

Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	\$250		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$6
Violation Final Penalty Total	\$363
This violation Final Assessed Penalty (adjusted for limits)	\$363

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	15-Jul-2020	4-Sep-2021	1.14	\$6	n/a	\$6

Notes for DELAYED costs

The delayed cost includes the estimated amount to use a water works operator who holds an applicable, valid license issued by the Executive Director, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Claudia Bartley			
Violation Number	18			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(I)			
Violation Description	Failed to flush all dead-end mains at monthly intervals.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Harm	Minor	
	Actual		Moderate		
	Potential		x		Percent 5.0%

>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
	Adjustment				\$4,750
					\$250

Violation Events					
Number of Violation Events		1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x			Violation Base Penalty \$250
	semiannual				
	annual				
	single event				
One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.					

Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$250	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$21	Violation Final Penalty Total	\$363
This violation Final Assessed Penalty (adjusted for limits)		\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-Aug-2017	3-Dec-2021	4.28	\$21	n/a	\$21

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a monthly flushing program, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$21

Screening Date 10-Sep-2020 Respondent City of Lawn (PCW No. 1) Case ID No. 59819 Reg. Ent. Reference No. RN101406916 Media Public Water Supply Enf. Coordinator Claudia Bartley	Docket No. 2020-1245-MLM-E PCW	<i>Policy Revision 4 (April 2014)</i> <i>PCW Revision September 1, 2019</i>
Violation Number 19		
Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)		
Violation Description Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contaminant hazards exist. Specifically, CSIs had not been conducted prior to the construction of two houses within distribution system. Additionally, there was a connection for filling trucks with no backflow protection at the Oplin County Barn located at 19847 Farm-to-Market Road 607, and a CSI had not been conducted at this location to determine if backflow protection was necessary.		
Base Penalty		\$5,000
>> Environmental, Property and Human Health Matrix		
OR	Release	Harm
	Major	Moderate
	Minor	Minor
Actual		
Potential	x	
Percent		15.0%
>> Programmatic Matrix		
OR	Falsification	Major
	Moderate	Minor
	Minor	Minor
Actual		
Potential		
Percent		0.0%
Matrix Notes Failure to complete a CSI certificate prior to providing continuous water service could expose persons served by the Facility to contaminants which would exceed levels protective of human health.		
Adjustment		\$4,250
		\$750
Violation Events		
Number of Violation Events 2		Number of violation days 57
daily weekly monthly quarterly semiannual annual single event	 x 	Violation Base Penalty \$1,500
Two monthly events are recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.		
Good Faith Efforts to Comply		Reduction \$0
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal		\$1,500
Economic Benefit (EB) for this violation		
Estimated EB Amount		\$52
Statutory Limit Test		\$2,175
Violation Final Penalty Total		\$2,175
This violation Final Assessed Penalty (adjusted for limits)		\$2,175

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	15-Jul-2020	3-Nov-2021	1.30	\$16	n/a	\$16
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	24-Aug-2017	4-Sep-2021	4.03	\$36	n/a	\$36
Notes for DELAYED costs	The record keeping system delayed cost includes the estimated amount to conduct CSIs at all locations where cross-connections or potential contaminant hazards may exist, calculated from the date of the investigation documenting the violation to the estimated date of compliance. The other delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						
Avoided Costs							
ANNUALIZE avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$430			TOTAL		\$52	

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW																		
Respondent	City of Lawn (PCW No. 1)				<i>Policy Revision 4 (April 2014)</i>																	
Case ID No.	59819				<i>PCW Revision September 1, 2019</i>																	
Reg. Ent. Reference No.	RN101406916																					
Media	Public Water Supply																					
Enf. Coordinator	Claudia Bartley																					
Violation Number	20																					
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(C)																					
Violation Description	Failed to provide all chemical day tanks with a label that identifies the tank's contents and a device that indicates the amount of chemical remaining in the tank. Specifically, the caustic and LAS containers at the raw water tank, the chlorine container at the Chatham Pump Station, and the sodium permanganate container at the water treatment plant did not have content labels. In addition, the LAS stock tank at the water treatment plant did not have a device to indicate the amount of chemical remaining in the tank.																					
		Base Penalty	\$5,000																			
>> Environmental, Property and Human Health Matrix																						
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential		x		Percent	5.0%
		Harm																				
	Release	Major	Moderate	Minor																		
Actual																						
Potential		x																				
>> Programmatic Matrix																						
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Falsification	Major	Moderate	Minor						Percent	0.0%						
		Falsification	Major	Moderate	Minor																	
Failure to provide all day tanks with a label or a device that indicates the amount of chemical remaining could expose operators to a significant amount of contaminants which would not exceed levels protective of human health.					Adjustment	\$4,750																
\$250																						
Violation Events																						
Number of Violation Events		1	57	Number of violation days																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty				\$250		
daily																						
weekly																						
monthly																						
quarterly	x																					
semiannual																						
annual																						
single event																						
One quarterly event is recommended, calculated from the date of the investigation, July 15, 2020, to the date of screening, September 10, 2020.																						
Good Faith Efforts to Comply		0.0%		Reduction	\$0																	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOE/NOV</td> <td style="text-align: center;">NOE/NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>						Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x						
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																				
Extraordinary																						
Ordinary																						
N/A	x																					
Notes	The Respondent does not meet the good faith criteria for this violation.																					
Violation Subtotal						\$250																
Economic Benefit (EB) for this violation			Statutory Limit Test																			
Estimated EB Amount		\$74	Violation Final Penalty Total		\$363																	
This violation Final Assessed Penalty (adjusted for limits)					\$363																	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 1)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$200	24-Aug-2017	4-Oct-2021	4.12	\$3	\$55	\$58
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)	\$80	24-Aug-2017	4-Oct-2021	4.12	\$16	n/a	\$16

Notes for DELAYED costs

The equipment delayed cost includes the estimated amount to install a device that indicates the amount of chemical remaining in the LAS stock tank at the water treatment plant, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The other delayed cost includes the estimated amount to label each of the day tanks (\$20 per tank x four tanks), calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$280

TOTAL

\$74



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Sep-2020	Screening	10-Sep-2020	EPA Due	
	PCW	10-Sep-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lawn (PCW No. 2)
Reg. Ent. Ref. No.	RN101406916
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	59819	No. of Violations	1
Docket No.	2020-1245-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$22
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$36
Estimated Cost of Compliance	\$180

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$72
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$72
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Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one agreed without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 2)	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	59819	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN101406916			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(z)			
Violation Description	Failed to create a nitrification action plan for all systems distributing chloraminated water.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
		Major	Moderate	Minor	
Release					
Actual					
Potential					

Percent 0.0%

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					
		x			

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$950

Violation Events

Number of Violation Events

1

57

Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$50

Economic Benefit (EB) for this violation

Estimated EB Amount

\$36

Statutory Limit Test

Violation Final Penalty Total

\$73

This violation Final Assessed Penalty (adjusted for limits)

\$73

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 2)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	24-Aug-2017	4-Sep-2021	4.03	\$36	n/a	\$36

Notes for DELAYED costs

The delayed cost includes the estimated amount to create a nitrification action plan, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$36



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	8-Sep-2020	Screening	10-Sep-2020	EPA Due	
	PCW	10-Sep-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Lawn (PCW No. 3)
Reg. Ent. Ref. No.	RN101406916
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	59819	No. of Violations	1
Docket No.	2020-1245-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$112
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Notes: Enhancement for one agreed order containing a denial of liability and one agreed without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3
Estimated Cost of Compliance	\$50

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$362
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$362
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$362
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$362
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Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 3)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59819			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101406916			
Media	Water Rights			
Enf. Coordinator	Ryan Byer			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and one agreed without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date	10-Sep-2020	Docket No.	2020-1245-MLM-E	PCW
Respondent	City of Lawn (PCW No. 3)	Policy Revision 4 (April 2014)		
Case ID No.	59819	PCW Revision September 1, 2019		
Reg. Ent. Reference No.	RN101406916			
Media	Water Rights			
Enf. Coordinator	Ryan Byer			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 288.20(c)			
Violation Description	Failed to review and update, as appropriate, the drought contingency plan at least every five years.			
Base Penalty				\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm				
	Release	Major	Moderate	Minor		
	Actual					
	Potential				Percent	0.0%

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	1	Number of violation days	57
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$3
	Violation Final Penalty Total
	\$363
This violation Final Assessed Penalty (adjusted for limits)	
\$363	

Economic Benefit Worksheet

Respondent City of Lawn (PCW No. 3)
Case ID No. 59819
Reg. Ent. Reference No. RN101406916
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	15-Jul-2020	4-Sep-2021	1.14	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to review the drought contingency plan and update as appropriate, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3



Compliance History Report

Compliance History Report for CN600738868, RN101406916, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600738868, City of Lawn	Classification:	SATISFACTORY	Rating:	12.86
Regulated Entity:	RN101406916, CITY OF LAWN	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	150 MAIN STREET IN LAWN, TAYLOR COUNTY, TEXAS				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION 2210005				

Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	January 22, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 22, 2016 to January 22, 2021				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer	Phone:	(512) 239-2571		

Site and Owner/Operator History:

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

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

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

- Effective Date: 02/14/2017 ADMINORDER 2016-1187-PWS-E (1660 Order-Agreed Order With 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 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 151 Main St, Lawn, TX (DBP2-01).
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 2Q2016 - During the second quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 151 Main St, Lawn, TX (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: CCR 2014 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2014 CCR year.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR RD MR PN YR2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2014 to 12/31/2014.

Classification: Moderate

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

Description: SEPT/2015 SWTR CT Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for the Low CT greater than 4 hours violation during the month of 09/2015.

- 2 Effective Date: 05/12/2020 ADMINORDER 2019-0561-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Major
Rqmt Prov: Dkt 2016-1187-PWS-E OPs 2a, 2a, 2a & 2b ORDER
Description: Failure to provide public notification (PN) and submit a copy of the PN to the Executive Director (ED) regarding the failure to collect lead and copper tap samples for January 1, 2014 through December 31, 2014 monitoring period. Failure to comply with TCEQ Agreed Order Docket No. 2016-1187-PWS-E.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 January 15, 2021 (1698989)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 1/22/2016 and 1/22/2021

- 1 Date: 03/16/2015 (1338787)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR RD MR PN YR2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2014 to 12/31/2014.
- 2 Date: 10/06/2015 (1338787)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: CCR 2014 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2014 CCR year.
- 3 Date: 01/28/2016 (1338787)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: SEPT/2015 SWTR CT Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for the Low CT greater than 4 hours violation during the month of 09/2015.
- 4 Date: 02/18/2016 (1338787)
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 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.088 mg/L at 151 Main St, Lawn, TX (DBP2-01).
- 5 Date: 06/13/2016 (1338787)
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 2Q2016 - During the second quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.091 mg/L at 151 Main St, Lawn, TX (DBP2-01).
- 6 Date: 10/04/2017 (1438015)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
Description: Failure to flush all dead-end mains at least monthly.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to conduct customer service inspections.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failure to have a nitrification action plan.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
Description: Failure to maintain complaint records.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain the backwash tank in watertight condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)

Description:	Failure to label all chemicals.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to have a restricted zone of 200 feet from the raw water intake.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)		
Description:	Failure to have the fan switch for the chlorine gas storage room located outside the enclosure.	Classification:	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(5)		
Description:	Failure to have an intruder-resistant enclosure around the raw water pump station.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.38(39) 30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to maintain the intruder-resistant fence around the Jordan Standpipe.		

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

Appendix B

All Investigations Conducted During Component Period January 22, 2016 and January 22, 2021

Item 1	June 24, 2016**	(1338787)
Item 2	October 04, 2017**	(1438015)
Item 3	February 15, 2018**	(1467299)
Item 4	April 11, 2019**	(1552557)
Item 5	August 31, 2020**	(1671800)
Item 6*	January 15, 2021	(1698989)

* 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 ENFORCEMENT
ACTION CONCERNING
CITY OF LAWN;
RN101406916

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2020-1245-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Lawn ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates a public water system ("PWS") located at 150 Main Street in Lawn, Taylor County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 327 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility also adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(52).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002 and 11.0842, and TEX. HEALTH & SAFETY CODE § 341.049, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE §§ 5.013 and 11.0842, and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$17,906 is assessed by the Commission in settlement of the violations alleged in Section II. Pursuant to TEX. WATER CODE § 7.067, \$17,906 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.
5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.

7. 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.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Decommissioned and inactivated the Surface Water Treatment Plant from the public water system as of December 14, 2022;
 - b. Conducted an inspection of the Hudson ground storage tank ("GST") on October 10, 2023;
 - c. Began flushing all dead-end mains at monthly intervals as of May 3, 2023;
 - d. Began to use a water works operator who holds an applicable, valid license issued by the Executive Director as of May 4, 2023;
 - e. Locked the gate and maintained the fence at the Jordan Standpipe as of June 19, 2023;
 - f. Provided a liquid level indicator at the Hudson GST as of June 19, 2023;
 - g. Completed Customer Service Inspection ("CSI") certificates for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contaminant hazards exist as of July 31, 2023; and
 - h. Reviewed and updated, as appropriate, the drought contingency plan ("DCP") on April 23, 2024.

II. ALLEGATIONS

1. During an investigation conducted on July 15, 2020, an investigator documented that Respondent:
 - a. 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). Specifically, the backwash tank had excessive rust and a hole where the overflow connects to the tank;
 - b. Failed to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting recreational activities and trespassing, designated with signs recounting these restrictions, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C);
 - c. Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C). Specifically, the switch for the ventilation fan was located inside the chlorine gas storage room;
 - d. Failed to install the raw water pump station and all appurtenances in a lockable building that is designed to prevent intruder access or enclose them in an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(5);
 - e. Failed to install all potable water storage tanks and pressure maintenance facilities

- in a lockable building or enclose them in an intruder-resistant fence with lockable gates to prevent intruder access, in violation of 30 TEX. ADMIN. CODE § 290.43(e). Specifically, the gate to the Jordan Standpipe was not locked, and the fence in the rear of the enclosure was not being maintained to prevent intruder passage;
- f. Failed to ensure that the Facility's GST hatch remains locked except during inspection and maintenance, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2). Specifically, the backwash tank and Chatham GST had roof hatches that were not provided with locks;
 - g. Failed to inspect the Facility's GSTs annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, tank inspection records were not available for the Hudson and Chatham GSTs, the Jordan and Lawn Standpipes, and the backwash tank;
 - h. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(C). Specifically, the chlorine gas make-up water supply line at the water treatment plant did not have backflow protection installed;
 - i. Failed to calibrate the benchtop pH meter with at least one buffer each time a series of samples was run, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A)(ii);
 - j. Failed to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and with secondary standards each time a series of samples was tested, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (ii);
 - k. Failed to calibrate the on-line turbidimeters at least once each week with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line units with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv);
 - l. Failed to calibrate the continuous disinfectant residual analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method in accordance with 30 TEX. ADMIN. CODE § 290.119, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii);
 - m. Failed to provide a flow-measuring device to properly measure the raw water supplied to the water treatment plant, in violation of 30 TEX. ADMIN. CODE §§ 290.42(d)(5) and 290.46(m). Specifically, the raw water meter was not properly calibrated to an accuracy of +/- 2% as required by the American Water Works Association standards;
 - n. Failed to provide containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii). Specifically, the caustic and liquid ammonium sulfate ("LAS") containers at the raw water tank, the barrels of polymer and aluminum chlorohydrate, the LAS stock tank, and the sodium permanganate container at the water treatment plant had no containment facilities;
 - o. Failed to provide vacuum breakers on each hose bibb within the plant facility, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(A). Specifically, the hose bibb inside the chemical room did not have a vacuum breaker;
 - p. Failed to provide all GSTs with a liquid level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4). Specifically, the liquid level indicator at the Hudson GST was not working properly, and the backwash tank did not have a liquid level indicator;

- q. Failed to use a water works operator who holds an applicable, valid license issued by the Executive Director, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a) and 30 TEX. ADMIN. CODE § 290.46(e). Specifically, an unlicensed individual was collecting disinfectant zone samples;
- r. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l);
- s. Failed to complete a CSI certificate prior to providing continuous water service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contaminant hazards exist, in violation of 30 TEX. ADMIN. CODE § 290.46(j). Specifically, CSIs had not been conducted prior to the construction of two houses within the distribution system. Additionally, there was a connection for filling trucks with no backflow protection at the Oplin County Barn located at 19847 Farm-to-Market Road 607, and a CSI had not been conducted at this location to determine if backflow protection was necessary;
- t. Failed to provide all chemical day tanks with a label that identifies the tank's contents and a device that indicates the amount of chemical remaining in the tank, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(C). Specifically, the caustic and LAS containers at the raw water tank, the chlorine container at the Chatham Pump Station, and the sodium permanganate container at the water treatment plant did not have content labels. In addition, the LAS stock tank at the water treatment plant did not have a device to indicate the amount of chemical remaining in the tank;
- u. Failed to create a nitrification action plan ("NAP") for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z); and
- v. Failed to review and update, as appropriate, the DCP at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c).

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Lawn, Docket No. 2020-1245-MLM-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondent shall implement and complete a SEP as set forth in Section I, Paragraph 4. The amount of \$17,906 of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Inspect the Chatham GST and Jordan Standpipe, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Create a NAP, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.ii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”
- The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

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

Section Manager, Public Drinking Water
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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order.

- Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. This Order, issued by the Commission, shall not be admissible against 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 TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
 9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

This portion is intentionally left blank.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



June 29, 2026

For the Executive Director

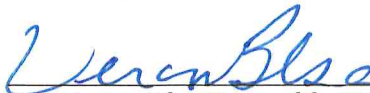
Date

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

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

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

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



Signature - The Honorable Veronica Burleson, Mayor
City of Lawn
P.O. Box 246
Lawn, Texas 79530

Date

4-17-26

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

Attachment A

Docket Number: 2020-1245-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Lawn
Penalty Amount:	\$17,906
SEP Offset Amount:	\$17,906
Type of SEP:	Compliance
Project Name:	<i>Water Line Improvements</i>
Location of SEP:	Taylor County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to perform repairs and maintenance on the water distribution lines, which includes the purchase and installation of valves, piping, joint restraints, above ground flushing hydrant, leak-repair components, and related accessories at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the repair and maintenance of water distribution lines. (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below 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. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing safe drinking water. Repairs and maintenance of water lines helps reduce water loss, prevent contamination, and maintain adequate system pressure. Pollutants and pathogens that enter the distribution system can lead to waterborne diseases such as cholera, dysentery, infectious hepatitis, and

severe gastroenteritis. Minimizing leaks and water line failures provides the delivery of safe drinking water and reduces the risk of pollutants entering the water supply

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A 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. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
Water Line Repairs and Maintenance	\$18,043.79
Total	\$18,043.79

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 45 days after the effective date of this Agreed Order.

Executive Director ("ED") staff may grant an extension to any deadline for Respondent's performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

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 TCEQ describing actions performed to date to implement the Project. Within 45 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
45	Notice of SEP completion

B. Final Report

Within 45 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 TCEQ, which shall include the following:

1. An 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. A detailed map showing the specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

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 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 above in Sections 2 through 4, the 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 the SEP Coordinator at the address provided above.

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 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 TCEQ or any other agency of the state or federal government.