

Executive Summary – Enforcement Matter – Case No. 60003
City of Paint Rock
RN101451730
Docket No. 2020-1398-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Paint Rock PWS, 174 East San Saba Street, Paint Rock, Concho County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: June 11, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,865

Total Paid to General Revenue: \$2,933

Total Due to General Revenue: \$2,932

Payment Plan: 1 payment of \$2,932

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 18, 2020 and October 19, 2020 through October 30, 2020

Date(s) of NOE(s): October 23, 2020 and October 30, 2020

Executive Summary – Enforcement Matter – Case No. 60003
City of Paint Rock
RN101451730
Docket No. 2020-1398-PWS-E

Violation Information

1. Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
2. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and residual monitoring sites in the compliance determination calculations [30 TEX. ADMIN. CODE § 290.110(e) and (f)(1)(A)].
3. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
4. Failed to inspect the Facility's clearwell annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A).]
5. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
6. Failed to conduct an operational evaluation and submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 [30 TEX. ADMIN. CODE § 290.115(e)(2)].
7. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for TTHM based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Update the Facility's operational guidance and conduct employee training to ensure that all disinfection residual results are used in the completion of compliance determinations;

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City of Paint Rock
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- ii. Conduct an inspection of the Facility's clearwell;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
 - iv. Conduct an operational evaluation and submit an operation evaluation report to the ED.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
- i. Provide the elevated storage tank with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16 inch in strict accordance with AWWA standards; and
 - ii. Maintain an up-to-date and thorough plant operations manual for operator review and reference, including but not limited to protocols to be utilized in the event of a natural or man-made catastrophe and telephone numbers of local, state, and federal agencies to be contacted in the event of an emergency.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days, begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter. This provision will be satisfied upon one quarter of compliant reporting.
- f. Within 195 days, submit written certification to demonstrate compliance with e.
- g. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average.
- h. Within 380 days, submit written certification to demonstrate compliance with g.

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City of Paint Rock
RN101451730
Docket No. 2020-1398-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 8, MC 219, (512) 239-2571; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Frances Maupin, Mayor, City of Paint Rock, P.O. Box 157, Paint Rock, Texas 76866

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	26-Oct-2020	Screening	27-Oct-2020	EPA Due	
	PCW	27-Oct-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Paint Rock (PCW No. 1)
Reg. Ent. Ref. No.	RN101451730
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60003	No. of Violations	4
Docket No.	2020-1398-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$600
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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	70.0%	Adjustment	Subtotals 2, 3, & 7	\$420
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Notes: Enhancement for six NOV's with the same/similar violations and two agreed orders containing 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: \$118
 Estimated Cost of Compliance: \$672
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,020
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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	\$1,020
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,020
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,020
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Screening Date 27-Oct-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101451730

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

No

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 six NOVs with the same/similar violations and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 27-Oct-2020

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PCW

Respondent City of Paint Rock (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101451730

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Violation Description Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16 inch. Specifically, there was more than a 1/16-inch gap between the end of the overflow and its cover on the elevated storage tank ("EST").

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to provide the EST with an overflow pipe with a tightly fitting cover could allow a significant amount of contaminants to enter the water supply which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 39 Number of violation days

daily		Violation Base Penalty \$250
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

One quarterly event is recommended, calculated from the date of the investigation, September 18, 2020, to the date of screening, October 27, 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 \$63

Violation Final Penalty Total \$425

This violation Final Assessed Penalty (adjusted for limits) \$425

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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)	\$500	19-Sep-2019	8-Jul-2021	1.80	\$3	\$60	\$63
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 an overflow pipe on the EST that fits tightly with no gap over 1/16 inch in accordance with AWWA standards, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$63

Screening Date 27-Oct-2020
Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2020-1398-PWS-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to include all samples collected at sites designated in the monitoring plan as microbiological and residual monitoring sites in the compliance determination calculations. Specifically, the water system was not including the disinfectant residual collected as part of their microbial samples in the average disinfection residual count each month, and the minimum disinfection residual was not being properly reported.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>

Matrix Notes:

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

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

Notes:

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$45	19-Sep-2019	8-Jun-2021	1.72	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all disinfectant residual results are used in the completion of compliance determination calculations, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$4

Screening Date 27-Oct-2020
Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2020-1398-PWS-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the manual did not provide protocols to be utilized in the event of a natural or man-made catastrophe and telephone numbers of local, state, and federal agencies to be contacted in the event of an emergency.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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				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)	\$45	19-Sep-2019	8-Jul-2021	1.80	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual which includes procedures to be utilized during catastrophes, and telephone numbers of local, state, and federal agencies to be contacted in the event of an emergency, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$4

Screening Date 27-Oct-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101451730

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to inspect the Facility's clearwell annually.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Failure to inspect the clearwell on an annual basis could cause 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 1 39 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and checkboxes.

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

Table with columns: Effort Level (Extraordinary, Ordinary, N/A) and checkboxes.

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 \$47

Violation Final Penalty Total \$425

This violation Final Assessed Penalty (adjusted for limits) \$425

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 1)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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)				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)	\$41	19-Sep-2019	8-Jun-2021	1.72	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct an annual clearwell inspection, 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	\$41	19-Sep-2019	27-Oct-2020	1.11	\$2	\$41	\$43
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct an annual clearwell inspection, calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance

\$82

TOTAL

\$47



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	2-Nov-2020	Screening	4-Nov-2020	EPA Due	30-Jun-2020
	PCW	5-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Paint Rock (PCW No. 2)
Reg. Ent. Ref. No.	RN101451730
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60003	No. of Violations	3
Docket No.	2020-1398-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,750
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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	70.0%	Adjustment	Subtotals 2, 3, & 7	\$1,925
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Notes: Enhancement for six NOVs with the same/similar violations and two agreed orders containing 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: \$915
 Estimated Cost of Compliance: \$5,295
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,675
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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	\$4,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,675
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$4,675
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Screening Date 4-Nov-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 2)

Case ID No. 60003

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101451730

PCW Revision September 1, 2019

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

No

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 six NOVs with the same/similar violations and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 4-Nov-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101451730

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(e)(2)

Violation Description Failed to conduct an operational evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 during the second quarter of 2019 through the second quarter of 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			5.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 5 354 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 quarter.

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

Statutory Limit Test

Estimated EB Amount \$189

Violation Final Penalty Total \$2,125

This violation Final Assessed Penalty (adjusted for limits) \$2,125

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 2)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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	\$45	2-Sep-2020	15-Jun-2021	0.78	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct an operational evaluation and submit an operational evaluation report to the Executive Director, calculated from the date the report was due for the second quarter of 2020 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	\$183	28-May-2020	4-Nov-2020	0.44	\$4	\$183	\$187
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct an operational evaluation and submit an operational evaluation report to the Executive Director (\$45 per report x four missed reports + \$3 interest), calculated from the date the first quarter 2020 report was due to the date of screening.

Approx. Cost of Compliance

\$228

TOTAL

\$189

Screening Date 4-Nov-2020
Respondent City of Paint Rock (PCW No. 2)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2020-1398-PWS-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 2)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

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

Notes for DELAYED costs

The delayed cost to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner is captured in the Economic Benefit Worksheet for Violation No. 1 of PCW No. 3.

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	\$67	10-Apr-2020	4-Nov-2020	0.57	\$2	\$67	\$69
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit the DLQORs (\$22 per report x three missed reports + interest that began accruing from the date the report for the first quarter of 2019 was due), calculated from the date the first quarter 2020 report was due to the date of screening.

Approx. Cost of Compliance

	\$67
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TOTAL

	\$69
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Screening Date 4-Nov-2020
Respondent City of Paint Rock (PCW No. 2)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2020-1398-PWS-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligram per liter ("mg/L") for TTHM based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for DBP2 at Site 1 were 0.142 mg/L for the second quarter of 2020 and 0.128 mg/L for the third quarter of 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 182 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$750

One annual 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$657

Violation Final Penalty Total \$1,275

This violation Final Assessed Penalty (adjusted for limits) \$1,275

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 2)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Jun-2020	16-May-2022	1.88	\$31	\$626	\$657
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$657



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	2-Nov-2020	Screening	4-Nov-2020	EPA Due	30-Jun-2020
	PCW	5-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Paint Rock (PCW No. 3)
Reg. Ent. Ref. No.	RN101451730
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60003	No. of Violations	1
Docket No.	2020-1398-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$100
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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	70.0%	Adjustment	Subtotals 2, 3, & 7	\$70
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Notes: Enhancement for six NOV's with the same/similar violations and two agreed orders containing 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: \$51
 Estimated Cost of Compliance: \$189
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$170
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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	\$170
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$170
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$170
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Screening Date 4-Nov-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101451730

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>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 70%

>> Repeat Violator (Subtotal 3)

No

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 six NOVs with the same/similar violations and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 4-Nov-2020

Docket No. 2020-1398-PWS-E

PCW

Respondent City of Paint Rock (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 60003

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101451730

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first and second quarters of 2019.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 574

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each report.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51

Violation Final Penalty Total \$170

This violation Final Assessed Penalty (adjusted for limits) \$170

Economic Benefit Worksheet

Respondent City of Paint Rock (PCW No. 3)
Case ID No. 60003
Reg. Ent. Reference No. RN101451730
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	19-Oct-2020	15-Jun-2021	0.65	\$1	n/a	\$1
Training/Sampling	\$100	19-Oct-2020	15-Jun-2021	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date 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	\$44	10-Jul-2019	4-Nov-2020	1.32	\$3	\$44	\$47
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit the DLQORs (\$22 per report x two missed reports + interest that began accruing from the date the report for the first quarter of 2019 was due), calculated from the date the second quarter 2019 report was due to the date of screening.

Approx. Cost of Compliance

\$189

TOTAL

\$51



Compliance History Report

Compliance History Report for CN600628531, RN101451730, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600628531, City of Paint Rock	Classification:	SATISFACTORY	Rating:	4.00
Regulated Entity:	RN101451730, CITY OF PAINT ROCK	Classification:	SATISFACTORY	Rating:	4.00
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	174 EAST SAN SABA STREET IN PAINT ROCK, CONCHO COUNTY, TEXAS				
TCEQ Region:	REGION 08 - SAN ANGELO				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0480012				

Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	March 16, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 16, 2016 to March 16, 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:

- 1 Effective Date: 02/26/2019 ADMINORDER 2018-0836-PWS-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
 - Description: Failure to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
 - Description: Failure to maintain water works operation and maintenance records and make them readily available for review by Commission personnel during the investigation. Specifically, numerous records of microbiological analyses for the last five years were not available for review.
 - Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
5A THSC Chapter 341, SubChapter A 341.033(a)
 - Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, an unlicensed individual had been conducting distribution disinfectant residual sampling.

- 2 Effective Date: 12/29/2020 ADMINORDER 2020-0536-PWS-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 - Description: Failure to issue boil water notices as required.
 - Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide required information to the executive director prior to rescinding a Boil Water Notice (BWN).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 December 21, 2017 (1453342)

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

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

- 1 Date: 04/13/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 4Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.
- 2 Date: 06/10/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 1Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.
- 3 Date: 06/18/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2020 During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.142 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).
- 4 Date: 07/02/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2020 within the required timeline.
- 5 Date: 09/02/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2020 During the 3rd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.128 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).
- 6 Date: 10/07/2020 (1684794)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 2Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PAINT ROCK
RN101451730**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2020-1398-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Paint Rock (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 174 East San Saba Street in Paint Rock, Concho County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 128 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted on September 18, 2020, an investigator documented that:
 - a. There was more than a 1/16-inch gap between the end of the overflow and its cover on the elevated storage tank ("EST").
 - b. The water system was not including the disinfectant residual collected as part of their microbial samples in the average disinfection residual count each month, and the minimum disinfection residual was not being properly reported.

- c. The manual did not provide protocols to be utilized in the event of a natural or man-made catastrophe, and telephone numbers of local, state, and federal agencies to be contacted in the event of an emergency.
 - d. The Respondent did not inspect the Facility's clearwell annually.
3. During a record review conducted on October 19, 2020 through October 30, 2020, an investigator documented that:
 - a. The Respondent did not submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the first quarter of 2020.
 - b. The Respondent did not conduct an operational evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 during the second through fourth quarters of 2019 and the first and second quarters of 2020.
 - c. The locational running annual average concentrations of TTHM for DBP2 at Site 1 were 0.142 milligram per liter ("mg/L") for the second quarter of 2020 and 0.128 mg/L for the third quarter of 2020.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to include all samples collected at sites designated in the monitoring plan as microbiological and residual monitoring sites in the compliance determination calculations, in violation of 30 TEX. ADMIN. CODE § 290.110(e) and (f)(1)(A).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to inspect the Facility's clearwell annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).

6. As evidenced by Finding of Fact No. 3.a, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
7. As evidenced by Finding of Fact No. 3.b, the Respondent failed to conduct an operational evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for DBP2 at Site 1, in violation of 30 TEX. ADMIN. CODE § 290.115(e)(2).
8. As evidenced by Finding of Fact No. 3.c, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of \$5,865 is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid \$2,933 of the penalty. The remaining amount of \$2,932 shall be paid in one monthly payment of \$2,932. The payment shall be paid within 30 days after the effective date of this Order. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 10 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Paint Rock, Docket No. 2020-1398-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Order:

- i. Update the Facility's operational guidance and conduct employee training to ensure that all disinfection residual results are used in the completion of compliance determinations, in accordance with 30 TEX. ADMIN. CODE § 290.110;
- ii. Conduct an inspection of the Facility's clearwell, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
- iv. Conduct an operational evaluation and submit an operation evaluation report to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.115. The operation evaluation report shall be submitted to:

Drinking Water Standards Section
Water Supply Division, MC 155 (Attn: DBP)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv.

c. Within 60 days after the effective date of this Order:

- i. Provide the EST with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16 inch in strict accordance with AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
- ii. Maintain an up-to-date and thorough plant operations manual for operator review and reference, including but not limited to protocols to be

utilized in the event of a natural or man-made catastrophe and telephone numbers of local, state, and federal agencies to be contacted in the event of an emergency, in accordance with 30 TEX. ADMIN. CODE § 290.42.

- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii.
- e. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- h. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7035

and a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
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 the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



12/13/2021

For the Executive Director

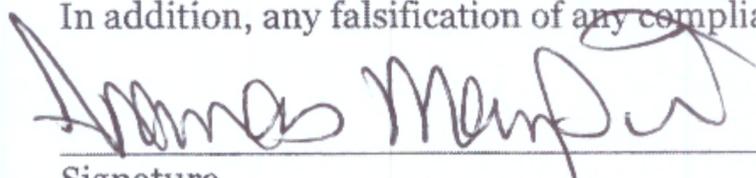
Date

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, if any, 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 submitted;
- 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, any falsification of any compliance documents may result in criminal prosecution.



Signature

10/29/21

Date

Frances Maupin
Name (Printed or typed)
Authorized Representative of
City of Paint Rock

Mayor

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.