

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-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:

MLM - PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Baird PWS, 242 Walnut Street, Baird, Callahan 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: March 18, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$35,405

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$35,405

Name of SEP: Public Water Supply Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

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 17, 2020 through September 25, 2020 and November 16, 2020 through December 4, 2020

Date(s) of NOE(s): November 16, 2020 and December 4, 2020

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

Violation Information

1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director (“ED”) upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(E)(ii), and (f)(3)(E)(iv)].
2. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
3. Failed to inspect the Facility's clearwell annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
4. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].
5. Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
6. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
7. Failed to calibrate the Facility's pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run [30 TEX. ADMIN. CODE § 290.46(s)(2)(A)].
8. Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)].
9. Failed to calibrate the Facility's five on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv)].
9. Failed to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations and failed to verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and (s)(2)(D)].

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

11. Failed to verify the accuracy of the Facility's continuous disinfectant 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 [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].
12. Failed to provide vacuum breakers on each hose bibb within the plant facility [30 TEX. ADMIN. CODE § 290.42(d)(2)(A)].
13. Failed to ensure that the Facility's clearwell roof hatch remains locked except during inspections and maintenance [30 TEX. ADMIN. CODE § 290.43(c)(2)].
14. Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weight cover tightly fitted with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
15. Failed to ensure the raw water pump station and all appurtenances are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates [30 TEX. ADMIN. CODE § 290.41(e)(5)].
16. Failed to provide all chemical bulk storage facilities and 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)].
17. Failed to provide chemical bulk storage facilities and day tanks that are designed to minimize the possibility of leaks and spills [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)].
18. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
19. Failed to ensure the water treatment plant and all appurtenances are enclosed by an intruder-resistant fence with lockable gates or in a locked building in the fence line [30 TEX. ADMIN. CODE § 290.42(m)].
20. Failed to provide forced air ventilation, which includes high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch outside, for enclosures containing more than one 150-pound cylinder of chlorine [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].
21. Failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning [30 TEX. ADMIN. CODE § 290.42(f)(2)(D)].

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

22. Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].
23. Failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].
24. Failed to properly monitor the turbidity level of the combined filter effluent ("CFE") at least every four hours that the system serves water to the public [30 TEX. ADMIN. CODE § 290.111(e)(3)(B)].
25. Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system and in each finished water storage tank at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
26. Failed to provide toilet and hand washing facilities with established standards of good public health engineering practices at all installations requiring frequent visits by operating personnel [30 TEX. ADMIN. CODE § 290.42(h)].
27. Failed to use a water works operator who holds an applicable, valid license issued by the ED [30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a)].
28. Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].
29. Failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)(1)].
30. Failed to submit a Surface Water Monthly Operating Report ("SWMOR") with the required turbidity and disinfectant residual data to the ED by the tenth day of the month following the end of the reporting period [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(6) and 290.111(h)(2)(B) and (h)(9)].

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

31. Failed to provide a consumer notification of lead tap water monitoring results to persons served at all the site (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. By September 18, 2020, maintained a minimum total chlorine residual of 0.05 mg/L throughout the distribution system and in each finished water storage tank.
- b. By November 9, 2020:
 - i. Provided each operator with a key to the toilet facility located next to the surface water treatment plant; and
 - ii. Began using a licensed water works operator to perform all process control duties.
- c. By November 12, 2020, purchased current primary and secondary standards.
- d. By January 26, 2021, provided labels identifying the contents of the liquid ammonium sulfate ("LAS") stock tank at the disinfection facility at the top of the hill on Lake Baird and the LAS day tank at the disinfection facility at the 0.204 million-gallon ground storage tank ("GST").

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
 - a. Within 30 days:
 - i. Create an organized file system for storing operating records and compile and maintain properly completed water works operation and maintenance records, including records for the amount of the amount of each chemical used each day, the disinfectant residual monitoring results from the distribution system, the calibration

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

records for flow meters, the results of microbiological and chemical analyses, and copies of customer service inspection reports;

ii. Modify the flushing program to ensure that all dead-end mains are flushed at monthly intervals;

iii. Conduct an inspection of the clearwell;

iv. Update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications;

v. Create an up-to-date and complete system-specific NAP;

vi. Collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. This provision will be satisfied upon six consecutive months of compliant monitoring;

vii. Calibrate the pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run;

viii. Calibrate the benchtop turbidimeter with primary standards and check the calibration with secondary standards each time a series of samples is tested. This provision will be satisfied upon one month of compliant monitoring;

ix. Calibrate the five on-line turbidimeters with primary standards and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week. This provision will be satisfied upon one month of compliant monitoring;

x. Verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations and verify the accuracy of analyzers used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations and provide a verification key for each analyzer;

xi. Verify the accuracy of the Facility's continuous disinfectant 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;

xii. Provide a vacuum breaker for each of the two hose bibbs at the water treatment plant;

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

xiii. Ensure the raw water pump station and all appurtenances are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, including but not limited to repairing the broken windows at the raw water pump station building;

xiv. Provide a LAS day tank at the disinfection facility at the 0.204 million-gallon GST that is designed to minimize the possibility of leaks and spills;

xv. Ensure the water treatment plant and all appurtenances are enclosed by an intruder-resistant fence with lockable gates or in a locked building in the fence line, including but not limited to providing an intruder-resistant fence for the sodium permanganate tank at the raw water pump station;

xvi. Cease the unauthorized discharge from the sodium permanganate tank at the raw water pump station and implement controls to prevent future unauthorized discharges;

xvii. Provide an SCBA that meets OSHA standards for construction and operation at each disinfection facility and provide a small bottle of fresh ammonia solution at each disinfection facility;

xviii. Monitor the CFE on the clearwell fill line;

xix. 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 SWMORs;

xx. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2017 through December 31, 2019 monitoring period. Submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements; and

xxi. Begin submitting complete and accurate SWMORs with the required turbidity and disinfection residual data to the ED by the tenth day of the month following the end of each reporting period. This provision will be satisfied upon six consecutive months of compliant reporting.

b. Within 45 days, submit written certification to demonstrate compliance with a.i. through a.v., a.vii., and a.x. through a.xx.

c. Within 60 days:

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

- i. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs at Parker Funeral Home, Callahan County Jail, FedEx Freight, Homestead Nursing and Rehab (three), Callahan County Farmers Co-Op, the wastewater treatment plant, and at each lift station;
 - ii. Provide a lock for the clearwell roof hatch and ensure the roof hatch remains locked except during inspections and maintenance;
 - iii. Provide an overflow pipe with a weighted cover that fits tightly with no gap over 1/16 inch in accordance with AWWA standards for Tank No. 2 and the clearwell at the water treatment plant; and
 - iv. Repair the fans in the gas chlorine rooms at the water treatment plant and at the disinfection facility at the top of the hill on Lake Baird.
- d. Within 75 days, submit written certification to demonstrate compliance with a.viii., a.ix., and c.
- e. Within 90 days:
- i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the cobwebs from the raw water pumps and conducting general maintenance at the raw water pump station building, draining the standing water at the water treatment plant, conducting general housekeeping and removing the dead mice and mouse droppings at the Tank No. 3 disinfection facility, conducting general housekeeping at the LAS tank storage room and repairing the gas chlorine scales in the gas chlorine room, removing the unused equipment, including unused chemical tanks, and overgrowth of vegetation at the disinfection facility at the top of the hill on Lake Baird, and removing the overgrowth of vegetation at the sludge lagoon;
 - ii. Repair the leak on the polyvinyl chloride chlorine make-up water line inside the LAS day tank room at the disinfection facility at the 0.204 MG GST; and
 - iii. Properly house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 225 days, submit written certification to demonstrate compliance with a.vi. and a.xxi.

Executive Summary – Enforcement Matter – Case No. 60117
City of Baird
RN101387462
Docket No. 2020-1517-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Hall, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0855; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: The Honorable Jim Dobbs, Mayor, City of Baird, 328 Market Street, Baird, Texas 79504-6410

Lori Higgins, City Administrator, City of Baird, 328 Market Street, Baird, Texas 79504-6410

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	23-Nov-2020	Screening	2-Dec-2020	EPA Due	
	PCW	9-Dec-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Baird (PCW No. 1)
Reg. Ent. Ref. No.	RN101387462
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60117	No. of Violations	28
Docket No.	2020-1517-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$25,475
-------------------------------------------------------------	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$7,642
---------------------------	-------	------------	--------------------------------	---------

Notes: Enhancement for two NOV's with the same/similar violations and one agreed order containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$312
------------------------------------------------------	-------------------	--------

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

Total EB Amounts: \$6,998
 Estimated Cost of Compliance: \$49,552
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,805
-----------------------------	-----------------------	----------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$32,805
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$32,805
-----------------------------------	-------------------------------	----------

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$32,805
------------------------	----------

Screening Date 2-Dec-2020

Docket No. 2020-1517-MLM-E

PCW

Respondent City of Baird (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60117

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101387462

Media Public Water Supply

Enf. Coordinator Aaron Vincent

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> 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 two NOVs with the same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(I), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(E)(ii), and (f)(3)(E)(iv)

Violation Description

Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the amount of each chemical used each day, the disinfectant residual monitoring results from the distribution system, the calibration records for flow meters, the results of microbiological and chemical analyses, and copies of customer service inspection reports were not maintained on-site for review.

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"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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	\$100	17-Sep-2020	25-Jun-2022	1.77	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to create an organized file system for storing operating records and to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$9

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-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="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input 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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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)	\$100	17-Sep-2020	25-Jun-2022	1.77	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to modify the flushing program to ensure that all dead-end mains are flushed at monthly intervals, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 3

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

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	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 significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 76 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 \$45

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	17-Sep-2020	25-Jun-2022	1.77	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct an annual clearwell inspection, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)	\$41	17-Sep-2020	2-Dec-2020	0.21	\$0	\$41	\$41

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$82

TOTAL

\$45

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, BPAs at the following locations had not been tested within the last year (last test): Parker Funeral Home (2/27/2017), Callahan County Jail (3/17/2017), FedEx Freight (10/4/2017), Callahan County Farmers Co-Op (4/5/2018), and the three BPAs at Homestead Nursing and Rehab (1/9/2018). Additionally, the last test dates were unavailable for the two BPAs at the wastewater treatment plant and lift station.

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="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Failure to test BPAs on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three monthly events are recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	17-Sep-2020	25-Jun-2022	1.77	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$279	17-Sep-2020	25-Jul-2022	1.85	\$26	n/a	\$26

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, calculated from the investigation date to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to test the BPAs (\$31 x nine locations), calculated from the investigation 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	\$301	17-Sep-2020	2-Dec-2020	0.21	\$3	\$301	\$304
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the BPAs (\$31 x nine locations + \$22 for interest that began accruing from the due date of the earliest BPA test), calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$680

TOTAL \$339

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to create a nitrification action plan ("NAP") for a system distributing chloraminated water. Specifically, the Facility's NAP did not include sample sites, sampling frequency, or goals for each constituent, nor action levels and corrective actions levels for all of the Facility's entry points.

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"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text" value="2.5%"/>
<input type="text" value="Between 30% to 70% 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

Good Faith Efforts to Comply

Reduction

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

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

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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	17-Sep-2020	25-Jun-2022	1.77	\$16	n/a	\$16

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an up-to-date and complete, system-specific NAP, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$16

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-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"/>	<input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input 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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	17-Sep-2020	6-Jan-2023	2.30	\$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 collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the investigation 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	\$100	17-Sep-2020	2-Dec-2020	0.21	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$113

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to calibrate the Facility's pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run.

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 checked="" type="text" value="x"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to properly calibrate the Facility's pH meters could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Notes

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 Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	17-Sep-2020	25-Jun-2022	1.77	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the pH meter at least once each day and to check with at least one buffer each time a series of samples is run, calculated from the investigation 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	\$10	17-Sep-2020	2-Dec-2020	0.21	\$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 pH meter at least once each day and to check with at least one buffer each time a series of samples is run, calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$20

TOTAL

\$11

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii)

Violation Description

Failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested. Additionally, the primary and second standards expired February 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to calibrate the benchtop turbidimeter could cause inaccurate data collection and prevent detection of treatment problems 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 76 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 \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$10	17-Sep-2020	12-Nov-2020	0.15	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	17-Sep-2020	25-Jun-2022	1.77	\$1	n/a	\$1

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to purchase current primary (\$5) and secondary standards (\$5), calculated from the investigation date to the date the current standards were purchased.

The Other (as needed) delayed cost includes the estimated amount to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)	\$10	17-Sep-2020	2-Dec-2020	0.21	\$0	\$10	\$10

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$30

TOTAL \$11

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to calibrate the Facility's five on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week.

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"/>	<input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Failure to calibrate the on-line turbidimeters could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five single events are recommended.

Good Faith Efforts to Comply

Reduction

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

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	17-Sep-2020	25-Jun-2022	1.77	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the five on-line turbidimeters (\$10 per on-line turbidimeter) with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$4

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations and failed to verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations. Additionally, there was no verification key for one analyzer, no low range secondary standards, and high range standards expired in 2019.

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 checked="" type="text" value="x"/>	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to verify the accuracy of the manual disinfectant residual analyzers and analyzers used to determine the effectiveness of chloramination could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

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

Violation Base Penalty

Two single events are recommended (one for each analyzer).

Good Faith Efforts to Comply

Reduction

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

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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
Other (as needed)	\$5	17-Sep-2020	25-Jun-2022	1.77	\$0	n/a	\$0
Other (as needed)	\$5	17-Sep-2020	25-Jun-2022	1.77	\$0	n/a	\$0

Notes for DELAYED costs

The first Other (as needed) delayed cost includes the estimated amount to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the investigation date to the estimated date of compliance.

The second Other (as needed) delayed cost includes the estimated amount to verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations, calculated from the investigation 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
Other (as needed)	\$5	17-Sep-2020	2-Dec-2020	0.21	\$0	\$5	\$5
Other (as needed)	\$5	17-Sep-2020	2-Dec-2020	0.21	\$0	\$5	\$5

Notes for AVOIDED costs

The first Other (as needed) avoided cost includes the estimated amount to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the investigation date to the screening date.

The second Other (as needed) avoided cost includes the estimated amount to verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations, calculated from the investigation date to the screening date.

Approx. Cost of Compliance

\$20

TOTAL

\$10

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(ii)

Violation Description

Failed to verify the accuracy of the Facility's continuous disinfectant 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.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to verify the accuracy of the continuous disinfectant residual analyzers could cause inaccurate data collection and prevent detection of treatment problems 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 76 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 EDRP/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 \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$5	17-Sep-2020	25-Jun-2022	1.77	\$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 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, calculated from the investigation 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	\$5	17-Sep-2020	2-Dec-2020	0.21	\$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 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, calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$10

TOTAL \$5

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 12

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, two hose bibbs at the water treatment plant were not equipped with a vacuum breaker.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide a vacuum breaker on each hose bibb could allow the water supply to be 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 2 76 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended (one event for each vacuum breaker), calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$60	17-Sep-2020	25-Jun-2022	1.77	\$0	\$7	\$7
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 vacuum breaker for each of the two hose bibbs at the water treatment plant, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$60

TOTAL

\$7

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)

Violation Description Failed to ensure that the Facility's clearwell roof hatch remains locked except during inspections and maintenance. Specifically, the roof hatch for the clearwell at the water treatment plant did not have a lock.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to ensure that the roof hatch is locked could allow unauthorized access to the clearwell 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 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	17-Sep-2020	25-Jul-2022	1.85	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a lock for the clearwell roof hatch, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$5

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 14

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 pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the overflow pipe for Tank No. 2 was flush to the ground and prevented the cover from closing properly. Additionally, the clearwell at the water treatment plant did not have an overflow pipe.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failure to provide storage tanks 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 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$78

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$600	17-Sep-2020	25-Jul-2022	1.85	\$4	\$74	\$78
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 with a weighted cover that fits tightly with no gap over 1/16 inch in accordance with AWWA standards for Tank No. 2 (\$100) and the clearwell at the water treatment plant (\$500), calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$600

TOTAL \$78

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.41(e)(5)

Violation Description
 Failed to ensure the raw water pump station and all appurtenances are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the raw water pump station building had broken windows that allowed intruder access.

Base Penalty \$5,000

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failure to prevent intruder access at the raw water pump station 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 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$62

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	17-Sep-2020	25-Jun-2022	1.77	\$3	\$59	\$62
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 the broken windows at the raw water pump station building, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$62

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(C)

Violation Description

Failed to provide all chemical bulk storage facilities and 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 liquid ammonium sulfate ("LAS") stock tank at the disinfection facility at the top of the hill on Lake Baird and the LAS day tank at the disinfection facility at the 0.204 million-gallon ("MG") ground storage tank ("GST") were missing labels identifying their contents.

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	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Failure to provide all chemical bulk storage facilities and day tanks with a label that identifies the tank's contents could expose operators to a significant amount of contaminants that would not exceed levels protective of human health.					

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$25

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

Extraordinary	
Ordinary	x
N/A	

Notes

The Respondent achieved compliance by January 26, 2021.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$40	17-Sep-2020	26-Jan-2021	0.36	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to label each tank (\$20 per tank x two tanks), calculated from the investigation date to the compliance date.

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

\$40

TOTAL

\$1

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 17

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)

Violation Description

Failed to provide chemical bulk storage facilities and day tanks that are designed to minimize the possibility of leaks and spills. Specifically, the LAS day tank at the disinfection facility at the 0.204 MG GST had an opening that allowed entry of contaminants into the tank and did not minimize the possibility of an accidental spill.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to provide chemical bulk storage facilities and day tanks that are designed to minimize the possibility of leaks and spills could expose operators to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$0

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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 associated with this violation is captured in the Economic Benefit Worksheet for Violation No. 19.

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 \$0

TOTAL \$0

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 18

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 raw water pumps were covered in cobwebs and the raw water pump station building was in need of general maintenance. At the water treatment plant, the chemical injection vaults contained standing water. At Tank No. 3, a dead mouse and mouse droppings were in the disinfection facility and it needed housekeeping, and the LAS tank storage room needed housekeeping. At the disinfection facility at the top of the hill on Lake Baird, overgrowth of vegetation and unused equipment, including unused chemical tanks, were noted. At the sludge lagoon, there was overgrowth of vegetation.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

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

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 5 76 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

Five single events are recommended (one for each location).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$271

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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)	\$2,000	17-Sep-2020	24-Aug-2022	1.93	\$13	\$258	\$271
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 remove the cobwebs from the raw water pumps and conduct general maintenance at the raw water pump station building, drain the standing water at the water treatment plant, conduct general housekeeping and remove the dead mice and mouse droppings at the Tank 3 disinfection facility, conduct general housekeeping at the LAS tank storage room and repair the gas chlorine scales in the gas chlorine room, remove the unused equipment and overgrowth of vegetation at the disinfection facility at the top of the hill on Lake Baird, and remove the overgrowth of vegetation at the sludge lagoon, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$271

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 19

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

Violation Description

Failed to ensure the water treatment plant and all appurtenances are enclosed by an intruder-resistant fence with lockable gates or in a locked building in the fence line. Specifically, the sodium permanganate tank at the raw water pump station was not secured by an intruder-resistant fence.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to protect the water treatment plant 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 3 76 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,416

Violation Final Penalty Total \$2,925

This violation Final Assessed Penalty (adjusted for limits) \$2,925

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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)	\$40,000	17-Sep-2020	24-Aug-2022	1.93	\$258	\$5,158	\$5,416
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 purchase and install a fence around the raw water pump station, purchase a new self-contained breathing apparatus ("SCBA") for the elevated ground storage tank north of Interstate Highway 20, purchase and replace three chlorine cylinder scales, and purchase and install a LAS day tank for the elevated ground storage tank north of Interstate Highway 20 through the completion of the *Public Water Supply Improvements* project, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$40,000

TOTAL

\$5,416

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 20

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(C)

Violation Description

Failed to provide forced air ventilation, which includes high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch outside, for enclosures containing more than one 150-pound cylinder of chlorine. Specifically, the fan in the gas chlorine room at the water treatment plant was not working, and the fan in the gas chlorine room at the disinfection facility at the top of the hill on Lake Baird was not working.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to provide ventilation could expose employees to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 76 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$129

Violation Final Penalty Total \$2,925

This violation Final Assessed Penalty (adjusted for limits) \$2,925

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment	\$1,000	17-Sep-2020	25-Jul-2022	1.85	\$6	\$123	\$129
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 the fans in the gas chlorine rooms at the water treatment plant and at the disinfection facility at the top of the hill on Lake Baird, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$129

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 21

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(2)(D)

Violation Description Failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning. Specifically, a leak was noted on the polyvinyl chloride ("PVC") chlorine make-up water line inside the LAS day tank room at the disinfection facility at the 0.204 MG GST.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$135

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 21

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	\$1,000	17-Sep-2020	24-Aug-2022	1.93	\$6	\$129	\$135
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 the leak on the PVC chlorine make-up water line inside the LAS day tank room at the disinfection facility at the top of the hill on Lake Baird, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$135

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 22

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(A)

Violation Description

Failed to provide a full-face SCBA or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, only the disinfection facility at the water treatment plant had an SCBA and it was in need of service, and no ammonia solution (or approved equal) was available at the three disinfection facilities.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes

Failure to have a full-face SCBA or supplied air respirator that meets OSHA standards in the event of an emergency and a bottle of fresh ammonia solution for testing for chlorine leakage could expose employees to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 9 76 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,750

Nine monthly events are recommended (three events per gas chlorine facility x three facilities), calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$8,775

This violation Final Assessed Penalty (adjusted for limits) \$8,775

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 22

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	\$30	17-Sep-2020	25-Jun-2022	1.77	\$0	\$4	\$4
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 provide an SCBA that meets OSHA standards for construction and operation at each disinfection facility is captured in the Economic Benefit Worksheet for Violation No. 19.

The delayed cost (\$30) is the estimated amount to provide a small bottle of fresh ammonia solution at each disinfection facility (\$10 per location), calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$30

TOTAL \$4

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 23

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(4)(B)

Violation Description Failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to properly store chlorine cylinders could expose employees of the Facility to chlorine gas which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 76 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$271

Violation Final Penalty Total \$2,925

This violation Final Assessed Penalty (adjusted for limits) \$2,925

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 23

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)	\$2,000	17-Sep-2020	24-Aug-2022	1.93	\$13	\$258	\$271
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 properly house the chlorine cylinders, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$271

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 24

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(3)(B)

Violation Description Failed to properly monitor the turbidity level of the combined filter effluent ("CFE") at least every four hours that the system serves water to the public. Specifically, the Facility was not monitoring the CFE on the clearwell fill line.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to measure and record the turbidity level of the CFE could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 76 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$2,925

This violation Final Assessed Penalty (adjusted for limits) \$2,925

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 24

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)	\$500	17-Sep-2020	25-Jun-2022	1.77	\$44	n/a	\$44

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin properly monitoring the CFE on the clearwell fill line, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$44

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 25

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a minimum disinfectant residual of 0.5 milligram per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system and in each finished water storage tank at all times. Specifically, on September 17, 2020, total chlorine residuals of 0.03 mg/L were measured at the fire hydrant at 1541 Sunset Drive and at the 0.204 MG GST.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to maintain proper levels of disinfection could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 2 1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended (one event for distribution and one event for the storage tank), calculated from the September 17, 2020 investigation date to the September 18, 2020 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$125

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by September 18, 2020.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 25

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	17-Sep-2020	18-Sep-2020	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a minimum disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system and in each finished water storage tank, calculated from the investigation date to the compliance date.

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 \$0

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 26

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

Violation Description Failed to provide toilet and hand washing facilities with established standards of good public health engineering practices at all installations requiring frequent visits by operating personnel. Specifically, the Facility did not have toilet facilities at the surface water treatment plant.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide toilet and hand washing facilities at all installations requiring frequent visits by operating personnel could expose operators to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events: 1 53 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

25.0%

Reduction \$37

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by November 9, 2020.

Violation Subtotal \$113

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$158

This violation Final Assessed Penalty (adjusted for limits) \$158

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 26

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	17-Sep-2020	9-Nov-2020	0.15	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide toilet and hand washing facilities with established standards of good public health engineering practices at all installations requiring frequent visits by operating personnel, calculated from the investigation date to the compliance date.

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

\$1

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 27

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 individual with an expired license was performing process control duties.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to use a licensed water works operator 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 2 133 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended, calculated from the June 29, 2020 license expiration date to the November 9, 2020 compliance date.

Good Faith Efforts to Comply

25.0%

Reduction \$125

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by November 9, 2020.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 27

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	29-Jun-2020	9-Nov-2020	0.36	\$2	n/a	\$2

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 license expiration date to the compliance date.

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

\$2

Screening Date 2-Dec-2020
Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number 28

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)(D)

Violation Description Failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use. Specifically, the gas chlorine scales in the gas chlorine room at Tank No. 3 did not work.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use 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 76 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 September 17, 2020 investigation date to the December 2, 2020 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDRP/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 \$0

Violation Final Penalty Total \$325

This violation Final Assessed Penalty (adjusted for limits) \$325

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 1)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Violation No. 28

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 associated with this violation is captured in the Economic Benefit Worksheet for Violation No. 18.

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 \$0

TOTAL \$0



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	7-Dec-2020	Screening	11-Dec-2020	EPA Due	31-Mar-2021
	PCW	8-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Baird (PCW No. 2)
Reg. Ent. Ref. No.	RN101387462
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60117	No. of Violations	2
Docket No.	2020-1517-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
-------------------------------------------------------------	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$225
---------------------------	--------------	------------	--------------------------------	-------

Notes: Enhancement for two NOVs with the same/similar violations and one agreed order containing a denial of liability.

Culpability	0.0%	Enhancement	Subtotal 4	\$0
--------------------	-------------	-------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
------------------------------------------------------	-------------------	-----

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

Total EB Amounts: \$63
Estimated Cost of Compliance: \$244
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7	Final Subtotal	\$975
-----------------------------	-----------------------	-------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

Final Penalty Amount	\$975
-----------------------------	-------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$975
-----------------------------------	-------------------------------	-------

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$975
------------------------	--------------

Screening Date 11-Dec-2020

Docket No. 2020-1517-MLM-E

PCW

Respondent City of Baird (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 60117

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101387462

Media Public Water Supply

Enf. Coordinator Aaron Vincent

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> 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 two NOVs with the same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 11-Dec-2020 **Docket No.** 2020-1517-MLM-E **PCW**
Respondent City of Baird (PCW No. 2) *Policy Revision 4 (April 2014)*
Case ID No. 60117 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(2) and (e)(6) and 290.111(h)(2)(B) and (h)(9)
Violation Description Failed to submit a Surface Water Monthly Operating Report ("SWMOR") with the required turbidity and disinfectant residual data to the Executive Director by the tenth day of the month following the end of the reporting period for August and September 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 2 92 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are 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 \$500

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

Estimated EB Amount \$56 **Violation Final Penalty Total** \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 2)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
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	16-Nov-2020	25-Jun-2022	1.61	\$4	n/a	\$4
Training/Sampling	\$100	16-Nov-2020	25-Jun-2022	1.61	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of SWMORs, 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	\$22	10-Sep-2020	11-Dec-2020	0.25	\$0	\$22	\$22
ONE-TIME avoided costs	\$22	10-Oct-2020	11-Dec-2020	0.17	\$0	\$22	\$22

Notes for AVOIDED costs

The ONE-TIME avoided cost (\$22) includes the estimated amount to submit a SWMOR for the August 2020 reporting period, calculated from the due date of the report for August 2020 to the screening date.

The ONE-TIME avoided cost (\$22) includes the estimated amount to submit a SWMOR for the September 2020 reporting period, calculated from the due date of the report for September 2020 to the screening date.

Approx. Cost of Compliance \$189

TOTAL \$56

Screening Date 11-Dec-2020
Respondent City of Baird (PCW No. 2)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1517-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a consumer notification of lead tap water monitoring results to persons served at all the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2017 through December 31, 2019 monitoring period.

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**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input 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 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 Baird (PCW No. 2)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Violation No. Public Water Supply
 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)	\$55	31-Dec-2019	25-Jun-2022	2.48	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notifications for the January 1, 2017 through December 31, 2019 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x 10 sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due 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 \$55

TOTAL \$7



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned PCW	23-Nov-2020	Screening	2-Dec-2020	EPA Due	
--------------	---------------------	-------------	------------------	------------	----------------	--

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Baird (PCW No. 3)
Reg. Ent. Ref. No.	RN101387462
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60117	No. of Violations	1
Docket No.	2020-1517-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Aaron Vincent
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
-------------------------------------------------------------	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	30.0%	Adjustment	Subtotals 2, 3, & 7	\$375
---------------------------	-------	------------	--------------------------------	-------

Notes: Enhancement for two NOV's with the same/similar violations and one agreed order containing a denial of liability.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
------------------------------------------------------	-------------------	-----

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

Total EB Amounts: \$44
 Estimated Cost of Compliance: \$500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,625
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,625
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,625
-----------------------------------	-------------------------------	---------

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,625
------------------------	---------

Screening Date 2-Dec-2020

Docket No. 2020-1517-MLM-E

PCW

Respondent City of Baird (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 60117

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101387462

Media Water Quality

Enf. Coordinator Aaron Vincent

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> 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 two NOVs with the same/similar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 2-Dec-2020

Docket No. 2020-1517-MLM-E

PCW

Respondent City of Baird (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 60117

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101387462

Media Water Quality

Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1)

Violation Description Failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state. Specifically, sodium permanganate saturated the ground outside of the spill containment area at the raw water pump station.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 76

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the September 17, 2020 investigation date to the December 2, 2020 screening date.

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 \$44

Violation Final Penalty Total \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent City of Baird (PCW No. 3)
Case ID No. 60117
Reg. Ent. Reference No. RN101387462
Media Water Quality
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)	\$500	17-Sep-2020	25-Jun-2022	1.77	\$44	n/a	\$44

Notes for DELAYED costs

The delayed cost includes the estimated amount to cease the unauthorized discharge from the sodium permanganate tank at the raw water pump station and to implement controls to prevent future unauthorized discharges, calculated from the investigation 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				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$44

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600634182, RN101387462, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600634182, City of Baird **Classification:** SATISFACTORY **Rating:** 31.07

Regulated Entity: RN101387462, CITY OF BAIRD **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 242 Walnut Street in Baird, Callahan County, Texas

TCEQ Region: REGION 03 - ABILENE

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0300001 WATER LICENSING LICENSE 0300001

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

Date Compliance History Report Prepared: May 11, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 11, 2016 to May 11, 2021

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

Name: Aaron Vincent **Phone:** (512) 239-0855

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: 08/02/2016 ADMINORDER 2016-0258-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
 30 TAC Chapter 290, SubChapter F 290.110(e)(6)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 10/2015 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
 30 TAC Chapter 290, SubChapter F 290.110(e)(6)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
 Description: SWTR SWMOR Major MR Violation 11/2015 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RD MR YR2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

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

Item 2	August 31, 2017	(1428526)
Item 3	March 18, 2019	(1552019)
Item 4	September 11, 2019	(1592992)

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: 10/13/2020 (1691684)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)

Description: SWTR SWMOR Major MR Violation 08/2020 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).

- 2 Date: 11/09/2020 (1691684)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.111(h)(9)

Description: SWTR SWMOR Major MR Violation 09/2020 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).

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

Description: Failure to maintain a chloramine residual of 0.5 mg/L at all times in the distribution system.

4* Date: 03/02/2020 (1691684)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN 06/01/2019 to 09/30/2019 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2019 to 12/31/2019.

5 Date: 10/13/2020 (1691684)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
30 TAC Chapter 290, SubChapter F 290.111(e)(3)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)

Description: 30 TAC Chapter 290, SubChapter F 290.111(h)(9)
SWTR SWMOR Major MR Violation 08/2020 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).

6 Date: 11/09/2020 (1691684)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)
30 TAC Chapter 290, SubChapter F 290.111(e)(3)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)(B)
30 TAC Chapter 290, SubChapter F 290.111(h)(9)

Description: SWTR SWMOR Major MR Violation 09/2020 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for Baird WTP (TP14741).

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

Appendix B

All Investigations Conducted During Component Period May 11, 2016 and May 11, 2021

Item 1	June 13, 2017**	(1414253) For Informational Purposes Only
Item 2*	August 31, 2017**	(1428526) For Informational Purposes Only
Item 3	October 17, 2017**	(1439258) For Informational Purposes Only
Item 4	February 09, 2018**	(1466642) For Informational Purposes Only
Item 5	April 19, 2018**	(1478914) For Informational Purposes Only
Item 6*	March 18, 2019**	(1552019) For Informational Purposes Only
Item 7*	September 11, 2019**	(1592992) For Informational Purposes Only
Item 8	November 16, 2020	(1690744) For Informational Purposes Only (1691684)

Item 9 November 30, 2020 For Informational Purposes Only
(1692210)

Item 10 December 04, 2020 For Informational Purposes Only

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF BAIRD
RN101387462**

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

AGREED ORDER DOCKET NO. 2020-1517-MLM-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Baird (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and 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 242 Walnut Street in Baird, Callahan County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 944 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During an investigation conducted from September 17, 2020 through September 25, 2020, an investigator documented that:
 - a. Records for the amount of each chemical used each day, the disinfectant residual monitoring results from the distribution system, the calibration records for flow meters, the results of microbiological and chemical analyses, and copies of customer service inspection reports were not maintained on-site for review.

- b. The Respondent did not flush all dead-end mains at monthly intervals.
- c. The Respondent did not inspect the Facility's clearwell annually.
- d. Backflow prevention assemblies ("BPAs") at the following locations had not been tested within the last year (last test): Parker Funeral Home (2/27/2017), Callahan County Jail (3/17/2017), FedEx Freight (10/4/2017), Callahan County Farmers Co-Op (4/5/2018), and the three BPAs at Homestead Nursing and Rehab (1/9/2018). Additionally, the last test dates were unavailable for the two BPAs at the wastewater treatment plant and lift station.
- e. The Facility's nitrification action plan ("NAP") did not include sample sites, sampling frequency, or goals for each constituent, nor action levels and corrective actions levels for all of the Facility's entry points.
- f. The Respondent did not conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.
- g. The Respondent did not calibrate the Facility's pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run.
- h. The Respondent did not calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested. Additionally, the primary and second standards expired February 2020.
- i. The Respondent did not calibrate the Facility's five on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week.
- j. The Respondent did not verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations and did not verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations. Additionally, there was no verification key for one analyzer, no low range secondary standards, and high range standards expired in 2019.
- k. The Respondent did not verify the accuracy of the Facility's continuous disinfectant 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.

- l. Two hose bibbs at the water treatment plant were not equipped with a vacuum breaker.
- m. The roof hatch for the clearwell at the water treatment plant did not have a lock.
- n. The overflow pipe for Tank No. 2 was flush to the ground and prevented the cover from closing properly. Additionally, the clearwell at the water treatment plant did not have an overflow pipe.
- o. The raw water pump station building had broken windows that allowed intruder access.
- p. The liquid ammonium sulfate ("LAS") stock tank at the disinfection facility at the top of the hill on Lake Baird and the LAS day tank at the disinfection facility at the 0.204 million-gallon ("MG") ground storage tank ("GST") were missing labels identifying their contents.
- q. The LAS day tank at the disinfection facility at the 0.204 MG GST had an opening that allowed entry of contaminants into the tank and did not minimize the possibility of an accidental spill.
- r. The raw water pumps were covered in cobwebs and the raw water pump station building was in need of general maintenance. At the water treatment plant, the chemical injection vaults contained standing water. At Tank No. 3, a dead mouse and mouse droppings were in the disinfection facility and it needed housekeeping, and the LAS tank storage room needed housekeeping. At the disinfection facility at the top of the hill on Lake Baird, overgrowth of vegetation and unused equipment, including unused chemical tanks, were noted. At the sludge lagoon, there was overgrowth of vegetation.
- s. The sodium permanganate tank at the raw water pump station was not secured by an intruder-resistant fence.
- t. The fan in the gas chlorine room at the water treatment plant was not working, and the fan in the gas chlorine room at the disinfection facility at the top of the hill on Lake Baird was not working.
- u. A leak was noted on the polyvinyl chloride ("PVC") chlorine make-up water line inside the LAS day tank room at the disinfection facility at the 0.204 MG GST.
- v. Only the disinfection facility at the water treatment plant had a self-contained breathing apparatus ("SCBA") and it was in need of service, and no ammonia solution (or approved equal) was available at the three disinfection facilities.
- w. The Respondent did not house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or

- partitions separating all mechanical and electrical equipment from the chlorine facilities.
- x. The Facility was not monitoring the combined filter effluent ("CFE") on the clearwell fill line.
 - y. On September 17, 2020, total chlorine residuals of 0.03 milligram per liter ("mg/L") were measured at the fire hydrant at 1541 Sunset Drive and at the 0.204 MG GST.
 - z. The Facility did not have toilet facilities at the surface water treatment plant.
 - aa. An individual with an expired license was performing process control duties.
 - bb. The gas chlorine scales in the gas chlorine room at Tank No. 3 did not work.
 - cc. Sodium permanganate saturated the ground outside of the spill containment area at the raw water pump station.
3. During a record review conducted from November 16, 2020 through December 4, 2020, an investigator documented that:
- a. The Respondent did not submit a Surface Water Monthly Operating Report ("SWMOR") with the required turbidity and disinfectant residual data to the Executive Director by the tenth day of the month following the end of the reporting period for August and September 2020.
 - b. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at all the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2017 through December 31, 2019 monitoring period.
4. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. By September 18, 2020, maintained a minimum total chlorine residual of 0.05 mg/L throughout the distribution system and in each finished water storage tank.
 - b. By November 9, 2020:
 - i. Provided each operator with a key to the toilet facility located next to the surface water treatment plant; and
 - ii. Began using a licensed water works operator to perform all process control duties.

- c. By November 12, 2020, purchased current primary and secondary standards.
- d. By January 26, 2021, provided labels identifying the contents of the LAS stock tank at the disinfection facility at the top of the hill on Lake Baird and the LAS day tank at the disinfection facility at the 0.204 MG GST.

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. WATER CODE ch. 26, 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 water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(D)(i), (f)(3)(E)(ii), and (f)(3)(E)(iv).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to inspect the Facility's clearwell annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to create a NAP for a system distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed calibrate the Facility's pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A).
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to calibrate the Facility's benchtop turbidimeter with primary standards at least once every 90 days and check the calibration with secondary standards each time a series of samples is tested, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and (s)(2)(B)(ii).

10. As evidenced by Finding of Fact No. 2.i, the Respondent failed calibrate the Facility's five on-line turbidimeters with primary standards at least once every 90 days and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv).
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations and failed to verify the accuracy of analyzers used to determine the effectiveness of chloramination at least once every 90 days in accordance with the manufacturer's recommendations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and (s)(2)(D).
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to verify the accuracy of the Facility's continuous disinfectant 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 violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii).
13. As evidenced by Finding of Fact No. 2.l, the Respondent 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).
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to ensure that the Facility's clearwell roof hatch remains locked except during inspections and maintenance, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weight cover tightly fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
16. As evidenced by Finding of Fact No. 2.o, the Respondent failed to ensure the raw water pump station and all appurtenances are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(5).
17. As evidenced by Finding of Fact No. 2.p, the Respondent failed to provide all chemical bulk storage facilities and 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).
18. As evidenced by Finding of Fact No. 2.q, the Respondent failed to provide chemical bulk storage facilities and day tanks that are designed to minimize the possibility of leaks and spills, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E).

19. As evidenced by Finding of Fact No. 2.r, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
20. As evidenced by Finding of Fact No. 2.s, the Respondent failed to ensure the water treatment plant and all appurtenances are enclosed by an intruder-resistant fence with lockable gates or in a locked building in the fence line, in violation of 30 TEX. ADMIN. CODE § 290.42(m).
21. As evidenced by Finding of Fact No. 2.t, the Respondent failed to provide forced air ventilation, which includes high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch outside, for enclosures containing more than one 150-pound cylinder of chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C).
22. As evidenced by Finding of Fact No. 2.u, the Respondent failed to use a chemical feed system designed to minimize the possibility of leaks and spills and provide protection against backpressure and siphoning, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(2)(D).
23. As evidenced by Finding of Fact No. 2.v, the Respondent failed to provide a full-face SCBA or supplied air respirator that meets Occupational Safety and Health Administration ("OSHA") standards for construction and operation, and a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage that is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A).
24. As evidenced by Finding of Fact No. 2.w, the Respondent failed to house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B).
25. As evidenced by Finding of Fact No. 2.x, the Respondent failed to properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B).
26. As evidenced by Finding of Fact No. 2.y, the Respondent failed to maintain a minimum disinfectant residual of 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system and in each finished water storage tank at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
27. As evidenced by Finding of Fact No. 2.z, the Respondent failed to provide toilet and hand washing facilities with established standards of good public health engineering practices

- at all installations requiring frequent visits by operating personnel, in violation of 30 TEX. ADMIN. CODE § 290.42(h).
28. As evidenced by Finding of Fact No. 2.aa, the Respondent failed to use a water works operator who holds an applicable, valid license issued by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a).
 29. As evidenced by Finding of Fact No. 2.bb, the Respondent failed to provide facilities for determining the amount of disinfectant used daily and the amount of disinfectant remaining for use, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(D).
 30. As evidenced by Finding of Fact No. 2.cc, the Respondent failed to prevent an unauthorized discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
 31. As evidenced by Finding of Fact No. 3.a, the Respondent failed to submit a SWMOR with the required turbidity and disinfectant residual data to the Executive Director by the tenth day of the month following the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(6) and 290.111(h)(2)(B) and (h)(9).
 32. As evidenced by Finding of Fact No. 3.b, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at all the site (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
 33. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) and TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 34. An administrative penalty in the amount of \$35,405 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$35,405 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 34 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 Baird, Docket No. 2020-1517-MLM-E" to:

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

2. The Respondent shall implement and complete an SEP as set forth in Conclusion of Law No. 34. The amount of \$35,405 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Create an organized file system for storing operating records and compile and maintain properly completed water works operation and maintenance records, including records for the amount of the amount of each chemical used each day, the disinfectant residual monitoring results from the distribution system, the calibration records for flow meters, the results of microbiological and chemical analyses, and copies of customer service inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Modify the flushing program to ensure that all dead-end mains are flushed at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Conduct an inspection of the clearwell, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iv. Update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44;
- v. Create an up-to-date and complete system-specific NAP, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- vi. Collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant monitoring;
- vii. Calibrate the pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- viii. Calibrate the benchtop turbidimeter with primary standards and check the calibration with secondary standards each time a series of samples is tested, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon one month of compliant monitoring;
- ix. Calibrate the five on-line turbidimeters with primary standards and check the calibration with a primary standard, secondary standard, or manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon one month of compliant monitoring;
- x. Verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations and verify the accuracy of analyzers used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations and provide a verification key for each analyzer, in accordance 30 TEX. ADMIN. CODE § 290.46;
- xi. Verify the accuracy of the Facility's continuous disinfectant 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 30 TEX. ADMIN. CODE § 290.46;
- xii. Provide a vacuum breaker for each of the two hose bibbs at the water treatment plant, in accordance 30 TEX. ADMIN. CODE § 290.42;

- xiii. Ensure the raw water pump station and all appurtenances are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates, including but not limited to repairing the broken windows at the raw water pump station building, in accordance with 30 TEX. ADMIN. CODE § 290.41;
- xiv. Provide a LAS day tank at the disinfection facility at the 0.204 MG GST that is designed to minimize the possibility of leaks and spills, in accordance with 30 TEX. ADMIN. CODE § 290.42;
- xv. Ensure the water treatment plant and all appurtenances are enclosed by an intruder-resistant fence with lockable gates or in a locked building in the fence line, including but not limited to providing an intruder-resistant fence for the sodium permanganate tank at the raw water pump station, in accordance with 30 TEX. ADMIN. CODE § 290.42;
- xvi. Cease the unauthorized discharge from the sodium permanganate tank at the raw water pump station and implement controls to prevent future unauthorized discharges, in accordance with TEX. WATER CODE § 26.121(a)(1);
- xvii. Provide an SCBA that meets OSHA standards for construction and operation at each disinfection facility and provide a small bottle of fresh ammonia solution at each disinfection facility, in accordance with 30 TEX. ADMIN. CODE § 290.42;
- xviii. Monitor the CFE on the clearwell fill line, in accordance with 30 TEX. ADMIN. CODE § 290.111;
- xix. 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 SWMORs, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111;
- xx. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2017 through December 31, 2019 monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
- xxi. Begin submitting complete and accurate SWMORs with the required turbidity and disinfection residual data to the Executive Director by the tenth day of the month following the end of each reporting period, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111. This

provision will be satisfied upon six consecutive months of compliant reporting. The SWMORs shall be submitted to:

SWMOR Coordinator
Water Supply Division, MC 155
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. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.v, 3.a.vii, and 3.a.x through 3.a.xx.
- c. Within 60 days after the effective date of this Order:
 - i. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs at Parker Funeral Home, Callahan County Jail, FedEx Freight, Homestead Nursing and Rehab (three), Callahan County Farmers Co-Op, the wastewater treatment plant, and at each lift station, in accordance with 30 TEX. ADMIN. CODE § 290.44;
 - ii. Provide a lock for the clearwell roof hatch and ensure the roof hatch remains locked except during inspections and maintenance, in accordance 30 TEX. ADMIN. CODE § 290.43;
 - iii. Provide an overflow pipe with a weighted cover that fits tightly with no gap over 1/16 inch in accordance with AWWA standards for Tank No. 2 and the clearwell at the water treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iv. Repair the fans in the gas chlorine rooms at the water treatment plant and at the disinfection facility at the top of the hill on Lake Baird, 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. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.viii, 3.a.ix, and 3.c.i through 3.c.iv.
- e. Within 90 days after the effective date of this Order:

- i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the cobwebs from the raw water pumps and conducting general maintenance at the raw water pump station building, draining the standing water at the water treatment plant, conducting general housekeeping and removing the dead mice and mouse droppings at the Tank No. 3 disinfection facility, conducting general housekeeping at the LAS tank storage room and repairing the gas chlorine scales in the gas chlorine room, removing the unused equipment, including unused chemical tanks, and overgrowth of vegetation at the disinfection facility at the top of the hill on Lake Baird, and removing the overgrowth of vegetation at the sludge lagoon, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Repair the leak on the PVC chlorine make-up water line inside the LAS day tank room at the disinfection facility at the 0.204 MG GST, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Properly house the gas chlorination equipment and cylinders of chlorine in separate buildings or separate rooms with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.e.i through 3.e.iii.
- g. Within 225 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 Nos. 3.a.vi and 3.a.xxi. 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
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

and a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with Ordering Provision Nos. 2 and 3.a.xvi in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

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

Date

LORI HIGGINS

Name (Printed or typed)
Authorized Representative of
City of Baird

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.

Attachment A

Docket Number: 2020-1517-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Baird
Penalty Amount:	Thirty-Five Thousand Four Hundred Five Dollars (\$35,405)
SEP Offset Amount:	Thirty-Five Thousand Four Hundred Five Dollars (\$35,405)
Type of SEP:	Compliance
Project Name:	<i>Public Water Supply Improvements</i>
Location of SEP:	Callahan County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install a fence around the raw water pump station. Respondent will purchase a new self-contained breathing apparatus (SCBA) for the elevated ground storage tank north of I-20. Respondent will purchase and replace three chlorine cylinder scales. Respondent will also purchase and install a liquid ammonium sulfate (LAS) day tank for the elevated ground storage tank north of I-20. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: fencing, SCBA, chlorine cylinder scales, and LAS day tank (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

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

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

B. Environmental Benefit

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

C. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Fence Installation	1	\$27,000	Each	\$27,000
Self-Contained Breathing Apparatus	1	\$5,000	Each	\$5,000
Chlorine Cylinder Scales	3	\$2,000	Each	\$6,000
Liquid Ammonium Sulfate Day Tank	1	\$2,000	Each	\$2,000
Total				\$40,000

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 105 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 105-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

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

B. Final Report

Within 105 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

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

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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