

**Executive Summary – Enforcement Matter – Case No. 56405**

**City of Post**

**RN101421519**

**Docket No. 2021-0978-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Post PWS, 105 East Main Street, Garza 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:** May 13, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$140,529

**Total Paid to General Revenue:** \$140,529

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** May 12, 2021 through May 26, 2021

**Date(s) of NOE(s):** July 23, 2021

***Violation Information***

1. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].

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2. Failed to provide forced air ventilation, which includes both 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 located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].
3. Failed to inspect the Facility's 1 million gallon ground storage tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
4. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
5. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].
6. Failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license and each work at least 16 hours per month [30 TEX. ADMIN. CODE § 290.46(e)(4)(C) and TEX. HEALTH & SAFETY CODE § 341.033(a) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.i].
7. Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), and (f)(3)(A)(iv) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.ii].
8. Failed to conduct an inspection of the interior of the Facility's 0.01 million gallon pressure tank with an inspection port at least once every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.iv].
9. Failed to have all backflow prevention assemblies 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) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.v].
10. 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) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.vi].
11. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE 290.46(i) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.i].

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12. Failed to complete a Customer Service Inspection (“CSI”) certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that a cross-connection or other potential contamination hazard exists [30 TEX. ADMIN. CODE § 290.46(j) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.ii].

13. Failed to develop a nitrification action plan for a system distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iii].

14. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iv].

15. Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.i].

16. Failed to provide a sampling tap at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species [30 TEX. ADMIN. CODE § 290.42(e)(7)(C) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.ii].

17. Failed to provide a device to readily determine the air-water-volume for the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].

18. Failed to inspect the Facility's 0.01 MG pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By inspecting the 1 million gallon ground storage tank by June 9, 2021;
- b. By providing records of dead-end main flushing and provided a complaint log by July 8, 2021;
- c. By repairing the site glass on the pressure tank by July 8, 2021;

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- d. By cleaning up the buildup of LAS on the LAS injection pump at the White River injection site by August 2, 2021;
- e. By maintaining an up-to-date and thorough plant operations manual for operator review and reference by August 19, 2021;
- f. By conducting the interior inspection for the Facility's 0.01 million gallon pressure tank by August 26, 2021;
- g. By conducting an inspection of the Facility's 0.01 million gallon pressure tank by August 26, 2021;
- h. By providing adequate containment facilities for the LAS storage containers at the Slaton tank, White River Municipal Water District booster station, and Post tank by September 2, 2021;
- i. By installing adequate sampling taps at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species by September 2, 2021;
- j. By replacing the building where the rust was encountered on the building surrounding the LAS at the White River injection site by September 2, 2021;
- k. By providing records for the amount of each chemical used each day by January 27, 2022;
- l. By submitting copies of backflow prevention assembly tests for McDonalds and Holly's Drive-In by February 9, 2022;
- m. By submitting photos demonstrating that the fan in the chlorinator room at the White River injection site was replaced by February 15, 2022; and
- n. By submitting a nitrification action plan by March 21, 2022.

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

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

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ii. Operate the Facility under the direct supervision of two water works operators who hold a Class "C" or higher license and who each work at least 16 hours per month;

iii. Complete a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the new high school, elementary school, Jack & Jill Donuts, EMS Building, field house, and car wash;

iv. Begin collecting all required 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; and

v. Begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day. This provision will be satisfied upon three months of compliant monitoring.

b. Within 45 days, submit written certification to demonstrate compliance with a.i. through a.iii.

c. Within 60 days:

i. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications;

ii. Adopt an adequate plumbing ordinance, regulation, or service agreement with provisions for proper enforcement to include the service connections located outside the city limits to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, including but not limited to the service locations located outside of city limits; and

iii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 90 days, implement a CSI program to ensure all service connections are properly inspected.

f. Within 105 days, submit written certification to demonstrate compliance with e.

g. Within 135 days, submit written certification to demonstrate compliance with a.v.

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h. Within 225 days, submit written certification to demonstrate compliance with a.iv.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division,  
Enforcement Team 4, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** The Honorable Marvin Self, Mayor, City of Post, 105 East Main Street,  
Post, Texas 79356

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021	<b>Screening</b>	27-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	26-Jul-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Post (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN101421519
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	56405	<b>No. of Violations</b>	5
<b>Docket No.</b>	2021-0978-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,650
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	34.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$561
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Notes: Enhancement for seven NOVs with dissimilar violations and one agreed order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$30
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$4,226  
Estimated Cost of Compliance \$8,222  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,181
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$2,181
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,181
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$2,181
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<b>Screening Date</b>	27-Jul-2021	<b>Docket No.</b>	2021-0978-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Post (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	56405			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101421519			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	7	14%
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)** 34%

#### >> 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 seven NOVs with dissimilar violations and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 34%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 34%



<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 1) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 1	<b>Docket No.</b> 2021-0978-PWS-E  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(e)(4)(C) and Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.i  <b>Violation Description</b> Failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license and each work at least 16 hours per month at the Facility. Specifically, the Facility used two operators with a Class "D" license.	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																
<b>Base Penalty</b>		\$1,000																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
<b>OR</b>	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual				Potential		x		<b>Percent</b> 15.0%
		Harm																
Release	Major	Moderate	Minor															
Actual																		
Potential		x																
<b>&gt;&gt; Programmatic Matrix</b>																		
<b>Matrix Notes</b>	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Falsification</th> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification				Major	Moderate	Minor					<b>Percent</b> 0.0%				
		Falsification																
	Major	Moderate	Minor															
Failure to operate the system under the direct supervision of an appropriately licensed water works operator may result in poor plant operation which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.																		
<b>Adjustment</b>		\$850																
		\$150																
<b>Violation Events</b>																		
Number of Violation Events 1		46 Number of violation days																
<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$150			
daily																		
weekly																		
monthly																		
quarterly	x																	
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annual																		
single event																		
One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, July 16, 2019, to August 31, 2019.																		
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b> Reduction \$0																
<table border="1" style="margin: auto;"> <tr> <td></td> <th>Before NOE/NOV</th> <th>NOE/NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td></td> <td></td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>			Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x						
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer																
Extraordinary																		
Ordinary																		
N/A	x																	
Notes: The Respondent does not meet the good faith criteria for this violation.																		
<b>Violation Subtotal</b>		\$150																
<b>Economic Benefit (EB) for this violation</b>																		
<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b>		\$3,354																
<b>Violation Final Penalty Total</b>		\$201																
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$201																

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 1)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

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

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$1,571	16-Jul-2019	27-Jul-2021	2.03	\$160	\$3,194	\$3,354
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount (difference in annual salary for a Class "C" operator and a Class "D" operator) to employ or contract two or more water operators who hold a Class "C" license or higher, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of screening.						

Approx. Cost of Compliance	\$3,194	<b>TOTAL</b>	\$3,354
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<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 1) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 2 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.44(h)(4) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.v  <b>Violation Description</b> Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, backflow prevention assembly tests conducted for the Garza County Clinic, Hudman Funeral Home, and Giles Dalby Correctional Facility were incorrectly tested while backflow prevention assembly tests for the Stripes, Allsup's, McDonald's, and Holly's Drive-In were not provided.	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>															
<b>Base Penalty</b>		\$1,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
<b>OR</b>	<b>Release</b> Actual Potential	<b>Harm</b> Major    Moderate    Minor <table border="1" style="margin: auto;"> <tr><td></td><td></td><td></td></tr> <tr><td>x</td><td></td><td></td></tr> </table>				x			<b>Percent</b> 30.0%								
x																	
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<b>Matrix Notes</b>	Falsification    Major    Moderate    Minor <table border="1" style="margin: auto;"> <tr><td></td><td></td><td></td><td></td></tr> </table>					<b>Percent</b> 0.0%											
Failure to test backflow prevention assemblies 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.			<b>Adjustment</b> \$700														
		\$300															
<b>Violation Events</b>																	
Number of Violation Events		2	Number of violation days														
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daily																	
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monthly	x																
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single event																	
Two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, July 16, 2019, to August 31, 2019.																	
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b> \$0														
Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A		<table border="1" style="margin: auto;"> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td>x</td><td></td></tr> </table>					x										
x																	
Notes		The Respondent does not meet the good faith criteria for this violation.															
		<b>Violation Subtotal</b> \$600															
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b>		\$170	<b>Violation Final Penalty Total</b> \$804														
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$804															

## Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 1)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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	\$100	16-Jul-2019	1-Aug-2022	3.05	\$15	n/a	\$15
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$62	16-Jul-2019	1-Aug-2022	3.05	\$9	n/a	\$9
Other (as needed)	\$62	16-Jul-2019	1-Aug-2022	3.05	\$9	n/a	\$9
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 backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and are certified that they are operating within specifications, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, to the estimated date of compliance.						
	The Other (as needed) delayed costs include the estimated amount to submit copies of backflow assembly tests for McDonalds and Holly's Drive-In (\$31 x two locations) and to test the backflow prevention assemblies for Stripes and Allsups (\$31 x two locations), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance and 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	\$124	16-Jul-2019	27-Jul-2021	2.03	\$13	\$124	\$137
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to test the backflow prevention assemblies for the Stripes, Allsups, McDonald's, and Holly's Drive-In (\$31 x four locations), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of screening.						
Approx. Cost of Compliance	\$348			TOTAL		\$170	

Screening Date	27-Jul-2021		Docket No.	2021-0978-PWS-E		PCW	
Respondent	City of Post (PCW No. 1)		Policy Revision 5 (January 28, 2021)				
Case ID No.	56405		PCW Revision February 11, 2021				
Reg. Ent. Reference No.	RN101421519						
Media	Public Water Supply						
Enf. Coordinator	Epifanio Villarreal						
Violation Number	3						
Rule Cite(s)	30 Tex. Admin. Code § 290.46(j) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.ii						
Violation Description	<p>Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that a cross-connection or other potential contamination hazard exists. Specifically, CSIs had not been performed at the new high school, elementary school, Jack &amp; Jill Donuts, Emergency Medical Service ("EMS") Building, field house, and car wash.</p>						
			<b>Base Penalty</b>	<input style="width: 100px;" type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix							
<b>OR</b>	<b>Release</b>		<b>Harm</b>				
			Major	Moderate	Minor		
	Actual	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>			
	Potential	<input style="width: 80px;" type="text" value="x"/>	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>	<b>Percent</b>	<input style="width: 80px;" type="text" value="30.0%"/>	
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor	<b>Percent</b>	<input style="width: 80px;" type="text" value="0.0%"/>	
	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>			
Matrix Notes	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">           Failure to conduct a CSI may result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.         </div>						
			<b>Adjustment</b>	<input style="width: 100px;" type="text" value="\$700"/>			
			<input style="width: 100px;" type="text" value="\$300"/>				
Violation Events							
Number of Violation Events		<input style="width: 60px;" type="text" value="2"/>	<input style="width: 60px;" type="text" value="46"/>		Number of violation days		
	daily	<input style="width: 80px;" type="text" value=""/>					
	weekly	<input style="width: 80px;" type="text" value=""/>					
	monthly	<input style="width: 80px;" type="text" value="x"/>					
	quarterly	<input style="width: 80px;" type="text" value=""/>					
	semiannual	<input style="width: 80px;" type="text" value=""/>					
	annual	<input style="width: 80px;" type="text" value=""/>					
	single event	<input style="width: 80px;" type="text" value=""/>					
			<b>Violation Base Penalty</b>	<input style="width: 100px;" type="text" value="\$600"/>			
<div style="border: 1px solid black; padding: 5px; min-height: 40px;">           Two monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, July 16, 2019, to August 31, 2019.         </div>							
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>		Reduction		<input style="width: 100px;" type="text" value="\$0"/>	
		Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer					
	Extraordinary	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>				
	Ordinary	<input style="width: 80px;" type="text" value=""/>	<input style="width: 80px;" type="text" value=""/>				
	N/A	<input style="width: 80px;" type="text" value="x"/>	<input style="width: 80px;" type="text" value=""/>				
Notes	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">           The Respondent does not meet the good faith criteria for this violation.         </div>						
			<b>Violation Subtotal</b>	<input style="width: 100px;" type="text" value="\$600"/>			
Economic Benefit (EB) for this violation							
<b>Estimated EB Amount</b>			<input style="width: 100px;" type="text" value="\$105"/>		<b>Statutory Limit Test</b>		
			<b>Violation Final Penalty Total</b>		<input style="width: 100px;" type="text" value="\$804"/>		
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input style="width: 100px;" type="text" value="\$804"/>		

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 1)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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
<b>Delayed Costs</b>							
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	\$500	16-Jul-2019	1-Aug-2022	3.05	\$76	n/a	\$76
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	16-Jul-2019	1-Oct-2022	3.21	\$29	n/a	\$29
Notes for DELAYED costs	<p>The Record Keeping System delayed cost includes the estimated amount to conduct CSIs at locations where cross-connections or potential contamination hazards may exist including but not limited to the new high school, elementary school, Jack &amp; Jill Donuts, EMS Building, field house, and car wash, calculated from calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, to the estimated date of compliance.</p> <p>The delayed cost includes the estimated amount to implement a CSI program to ensure that all service connections are properly inspected, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, to the estimated date of compliance.</p>						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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				\$680	<b>TOTAL</b>		\$105

Screening Date	27-Jul-2021		Docket No.	2021-0978-PWS-E		PCW	
Respondent	City of Post (PCW No. 1)		Policy Revision 5 (January 28, 2021)				
Case ID No.	56405		PCW Revision February 11, 2021				
Reg. Ent. Reference No.	RN101421519						
Media	Public Water Supply						
Enf. Coordinator	Epifanio Villarreal						
Violation Number	<input type="text" value="4"/>						
Rule Cite(s)	30 Tex. Admin. Code § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.i						
Violation Description	<div style="border: 1px solid black; padding: 10px; background-color: #ffffcc;"> <p>Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the liquid ammonium sulfate ("LAS") storage containers at the Slaton tank, White River Municipal Water District booster station, and Post tank did not have adequate containment.</p> </div>						
			Base Penalty	<input type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix							
OR	Release	Harm					
		Major	Moderate	Minor			
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="15.0%"/>	
	Potential	<input type="text"/>	x	<input type="text"/>			
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0.0%"/>	
		<input type="text"/>	<input type="text"/>	<input type="text"/>			
	Matrix Notes	<div style="border: 1px solid black; padding: 10px; background-color: #ffffcc;"> <p>Failure to provide adequate containment for the LAS could expose employees or the environment to a significant amount of contaminants which would not exceed levels that are protective of human health.</p> </div>					
			Adjustment	<input type="text" value="\$850"/>			
			<input type="text" value="\$150"/>				
Violation Events							
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="46"/>	Number of violation days			
	daily	<input type="text"/>	<div style="text-align: right;">Violation Base Penalty <input type="text" value="\$150"/></div>				
	weekly	<input type="text"/>					
	monthly	<input type="text"/>					
	quarterly	x					
	semiannual	<input type="text"/>					
	annual	<input type="text"/>					
	single event	<input type="text"/>					
<div style="border: 1px solid black; padding: 10px; background-color: #ffffcc;"> <p>One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, July 16, 2019, to August 31, 2019.</p> </div>							
Good Faith Efforts to Comply			<input type="text" value="10.0%"/>	Reduction <input type="text" value="\$15"/>			
			Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer				
Extraordinary		<input type="text"/>	<div style="text-align: right;">Violation Subtotal <input type="text" value="\$135"/></div>				
Ordinary		<input style="text-align: center;" type="text"/> x					
N/A		<input type="text"/>					
Notes		<div style="border: 1px solid black; padding: 10px; background-color: #ffffcc;"> <p>The Respondent achieved compliance on September 2, 2021.</p> </div>					
Economic Benefit (EB) for this violation			Statutory Limit Test				
Estimated EB Amount		<input type="text" value="\$448"/>	Violation Final Penalty Total		<input type="text" value="\$186"/>		
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$186"/>				

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 1)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	16-Jul-2019	2-Sep-2021	2.13	\$21	\$427	\$448
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to provide adequate containment facilities for the LAS storage containers, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance.							
Notes for DELAYED costs							

## Avoided Costs

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

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

Approx. Cost of Compliance	\$3,000	<b>TOTAL</b>	\$448
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<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 1) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>	
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">5</span>			
<b>Rule Cite(s)</b> 30 Tex. Admin Code § 290.42(e)(7)(C) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.ii			
<b>Violation Description</b> Failed to provide sampling taps at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species. Specifically, only one tap was installed ahead of injection at the tank battery site.			
<b>Base Penalty</b>		<span style="border: 1px solid black; padding: 2px;">\$1,000</span>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b> Actual Potential	<b>Harm</b> Major    Moderate    Minor <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> </div> <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> </div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">15.0%</span>
	<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Matrix Notes</b>	Failure to provide sampling taps hinders the ability to determine appropriate dosing rates and could expose customers to a significant amount of contaminants which would not exceed levels protective of human health	
<b>Adjustment</b>		<span style="border: 1px solid black; padding: 2px;">\$850</span>	
		<span style="border: 1px solid black; padding: 2px;">\$150</span>	
<b>Violation Events</b>			
Number of Violation Events <span style="border: 1px solid black; padding: 2px;">1</span>		<span style="border: 1px solid black; padding: 2px;">46</span> Number of violation days	
<div style="border: 1px solid black; padding: 2px;">         daily          weekly          monthly          quarterly          semiannual          annual          single event       </div>	<div style="border: 1px solid black; padding: 2px;"> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> </div>	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$150</span>	
One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, July 16, 2019, to August 31, 2019.			
<b>Good Faith Efforts to Comply</b>		<b>Reduction</b> <span style="border: 1px solid black; padding: 2px;">\$15</span>	
<div style="display: flex; justify-content: space-between;"> <span>Before NOE/NOV</span> <span>NOE/NOV to EDPRP/Settlement Offer</span> </div>			
Extraordinary Ordinary N/A	<div style="border: 1px solid black; padding: 2px;"> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> <div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div> <div style="border: 1px solid black; width: 40px; height: 15px;"></div> </div>		
<b>Notes</b> The Respondent achieved compliance on September 2, 2021.			
<b>Violation Subtotal</b>		<span style="border: 1px solid black; padding: 2px;">\$135</span>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <span style="border: 1px solid black; padding: 2px;">\$149</span>		<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 2px;">\$186</span>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<span style="border: 1px solid black; padding: 2px;">\$186</span>	

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 1)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$1,000	16-Jul-2019	2-Sep-2021	2.13	\$7	\$142	\$149
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 costs include the estimated amount to install one adequate sampling tap (\$1,000 per tap) at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$1,000

**TOTAL** \$149



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	26-Jul-2021	<b>Screening</b>	27-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	27-Jul-2021				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Post (PCW No. 2)		
<b>Reg. Ent. Ref. No.</b>	RN101421519		
<b>Facility/Site Region</b>	2-Lubbock	<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	56405	<b>No. of Violations</b>	18
<b>Docket No.</b>	2021-0978-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$104,300
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	34.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$35,462
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Notes: Enhancement for seven NOVs with dissimilar violations and one agreed order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,414
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$512  
Estimated Cost of Compliance: \$3,140  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$138,348
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$138,348
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$138,348
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$138,348
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<b>Screening Date</b>	27-Jul-2021	<b>Docket No.</b>	2021-0978-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Post (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	56405			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101421519			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	7	14%
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)** 34%

#### >> 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 seven NOVs with dissimilar violations and one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 34%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 34%

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 1 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(m) <b>Violation Description</b> Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there was buildup of liquid ammonium sulfate ("LAS") on the LAS injection pump at the White River injection site and the building surrounding the LAS at the White River injection site was rusting along the bottom.	<b>Docket No.</b> 2021-0978-PWS-E <b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> 7.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in employees being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.
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	<b>Adjustment</b>	\$4,650
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	\$350
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**Violation Events**

Number of Violation Events	1	76	Number of violation days
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	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		<b>Violation Base Penalty</b> \$350

One single event is recommended.
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**Good Faith Efforts to Comply**

	<b>10.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on September 2, 2021.	

	<b>Violation Subtotal</b>	\$315
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$52
<b>Violation Final Penalty Total</b>	\$434
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$434	

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	12-May-2021	2-Sep-2022	1.31	\$2	\$44	\$46
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	\$500	12-May-2021	2-Aug-2021	0.22	\$6	n/a	\$6
Notes for DELAYED costs	<p>The Other (as needed) delayed cost includes the estimated amount to remove or repair the rust at the White River injection site building, calculated from the date of the investigation to the date of compliance.</p> <p>The Other delayed cost includes the estimated amount to remove the buildup of LAS on the injection pump on the White River injection site, calculated from the date of the investigation to the date of compliance.</p>						

## 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** \$52

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.42(e)(4)(C)
<b>Violation Description</b>	Failed to provide forced air ventilation, which includes both 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 located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine. Specifically, the fan for the chlorinator room at the White River injection site was inoperable.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to provide forced air ventilation could expose employees to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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	\$1,500
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**Violation Events**

Number of Violation Events	3	76	Number of violation days
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	daily					
	weekly					
	monthly	x				
	quarterly					
	semiannual					
	annual					
	single event					

<b>Violation Base Penalty</b>	\$4,500
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Three monthly events are recommended, calculated from the date of the investigation, May 12, 2021, to the date of screening, July 27, 2021	
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**Good Faith Efforts to Comply**

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

<b>Violation Subtotal</b>	\$4,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$14	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	\$6,030
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$6,030
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# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$250	12-May-2021	15-Feb-2022	0.76	\$1	\$13	\$14
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
The delayed cost includes the estimated amount to repair or replace the forced air ventilation system for the chlorinator room at the White River injection site, calculated from the date of the investigation the date of compliance.							
Notes for DELAYED costs							

## Avoided Costs

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

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

Approx. Cost of Compliance \$250

**TOTAL** \$14



<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(m)(1)(A)
<b>Violation Description</b>	Failed to inspect the Facility's one million-gallon ("MG") ground storage tank ("GST") annually.	

**Base Penalty** \$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">15.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>

Matrix Notes	Failure to inspect the GST on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; width: 50px; height: 15px;"></div> 1		<div style="border: 1px solid black; width: 50px; height: 15px;"></div> 76	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	x

**Violation Base Penalty** \$750

One single event is recommended.

**Good Faith Efforts to Comply**

	<b>25.0%</b>	
		<b>Reduction</b> <span style="border: 1px solid black; padding: 2px 20px;">\$187</span>
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Ordinary	x	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
N/A	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Notes	The Respondent achieved compliance on June 9, 2021.	

**Violation Subtotal** \$563

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

<b>Estimated EB Amount</b>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> \$0	<b>Violation Final Penalty Total</b>	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> \$818
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<div style="border: 1px solid black; width: 100px; height: 15px;"></div> \$818

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$41	16-Mar-2021	9-Jun-2021	0.23	\$0	n/a	\$0

### Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct the annual GST inspection (\$41 per tank x one tank), calculated from the date the inspection was due to the date of compliance.

## Avoided Costs

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

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

### Notes for AVOIDED costs

Approx. Cost of Compliance

\$41

**TOTAL**

\$0

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(l)		
<b>Violation Description</b>	Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference.		
		<b>Base Penalty</b>	\$5,000

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

**>> Programmatic Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 20.0%
	Potential				

<b>Matrix Notes</b>	100% of the rule requirements were not met.
<b>Adjustment</b> \$4,000	
\$1,000	

**Violation Events**

Number of Violation Events	1	76	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
<b>Violation Base Penalty</b> \$1,000			
One single event is recommended.			

**Good Faith Efforts to Comply**

	<b>10.0%</b>	
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on August 19, 2021.	
<b>Violation Subtotal</b> \$900		

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$2	<b>Violation Final Penalty Total</b> \$1,240
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,240	

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	12-May-2021	19-Aug-2021	0.27	\$2	n/a	\$2
Notes for DELAYED costs	The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$180

**TOTAL** \$2

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	5	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.110(c)(4)(B)
<b>Violation Description</b>	Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to monitor the disinfectant residual at representative locations in the distribution system could expose persons served by the Facility to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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	\$1,500
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**Violation Events**

Number of Violation Events	3	76	Number of violation days
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	daily		weekly		monthly	x	quarterly		semiannual		annual		single event	
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<b>Violation Base Penalty</b>	\$4,500
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Three monthly events are recommended, calculated from the date of the investigation, May 12, 2021, to the date of screening, July 27, 2021.
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**Good Faith Efforts to Comply**

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

<b>Violation Subtotal</b>	\$4,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$11			<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b>	\$6,030	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$6,030	

## Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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
<b>Delayed Costs</b>							
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	12-May-2021	1-Aug-2022	1.22	\$1	n/a	\$1
<b>Notes for DELAYED costs</b>	The delayed cost includes the estimated amount to monitor the disinfectant residual at least once per day (\$10 per monitoring), calculated from the date of the investigation to the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	12-May-2021	27-Jul-2021	0.21	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>	The avoided cost includes the estimated amount to monitor the disinfectant residual at least once per day (\$10 per monitoring), calculated from the investigation date to the screening date.						
<b>Approx. Cost of Compliance</b>	\$20			<b>TOTAL</b>		\$11	

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	6	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 290.46(e)(4)(C) and Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.i	
<b>Violation Description</b>		Failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license and each work at least 16 hours per month at the Facility. The Facility used two operators with a Class "D" license.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
	Potential		x		

**>> Programmatic Matrix**

<b>Matrix Notes</b>		Falsification	Major	Moderate	Minor	
						<b>Percent</b> 0.0%
	Failure to operate the system under the direct supervision of an appropriately licensed water works operator may result in poor plant operation which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					

<b>Adjustment</b>	\$4,250
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	\$750
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**Violation Events**

Number of Violation Events	8	695	Number of violation days
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	daily			<b>Violation Base Penalty</b> \$6,000
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Eight quarterly events are recommended, calculated from September 1, 2019, to the date of screening, July 27, 2021.	
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**Good Faith Efforts to Comply**

	0.0%	<b>Reduction</b>	\$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.		

<b>Violation Subtotal</b>	\$6,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0	<b>Statutory Limit Test</b>	
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<b>Violation Final Penalty Total</b>	\$8,040
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$8,040
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# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

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

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost to employ or contract two or more water operators who hold a Class "C" license or higher is captured in the Economic Benefit Worksheet for Violation No. 1 of PCW No. 1.						

Approx. Cost of Compliance \$0

**TOTAL** \$0



<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>			
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">7</span>					
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), and (f)(3)(A)(iv) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.ii					
<b>Violation Description</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation. Specifically, records for the amount of each chemical used each day, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation records, and dates the dead-end mains were flushed were not maintained on-site for review.       </div>					
<b>Base Penalty</b>		\$5,000			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>
	Potential				
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
				x	<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">1.0%</span>
Matrix Notes	At least 70% of the rule requirements were met.				
<b>Adjustment</b>					\$4,950
					\$50
<b>Violation Events</b>					
Number of Violation Events		1	742		Number of violation days
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
					<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$50</span>
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		10.0%	Reduction		\$5
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent achieved compliance on January 27, 2022.			
<b>Violation Subtotal</b>					\$45
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$6	<b>Violation Final Penalty Total</b>		\$62
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$62

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	16-Jul-2019	27-Jan-2022	2.54	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance.							
<b>Notes for DELAYED costs</b>							

## 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
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$45

**TOTAL** \$6

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>														
<b>Violation Number</b> <span style="border: 1px solid black; padding: 2px;">8</span>																
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.iv																
<b>Violation Description</b> Failed to conduct an inspection of the interior of the Facility's 0.01 MG pressure tank with an inspection port at least once every five years.																
<b>Base Penalty</b>		<span style="border: 1px solid black; padding: 2px;">\$5,000</span>														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
<b>OR</b>	<b>Release</b>	<b>Harm</b>														
	Major      Moderate      Minor															
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> <td style="width: 33%; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>				x										
x																
<b>Percent</b>		<span style="border: 1px solid black; padding: 2px;">30.0%</span>														
<b>&gt;&gt; Programmatic Matrix</b>																
<b>Matrix Notes</b>	Falsification      Major      Moderate      Minor															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> <td style="width: 25%; height: 20px;"></td> </tr> </table>					<b>Percent</b> <span style="border: 1px solid black; padding: 2px;">0.0%</span>										
Failure to inspect the interior of the Facility's pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.																
<b>Adjustment</b>		<span style="border: 1px solid black; padding: 2px;">\$3,500</span>														
		<span style="border: 1px solid black; padding: 2px;">\$1,500</span>														
<b>Violation Events</b>																
Number of Violation Events <span style="border: 1px solid black; padding: 2px;">1</span>		<span style="border: 1px solid black; padding: 2px;">742</span> Number of violation days														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;">daily</td><td style="width: 80px; height: 20px;"></td></tr> <tr><td>weekly</td><td style="height: 20px;"></td></tr> <tr><td>monthly</td><td style="height: 20px;"></td></tr> <tr><td>quarterly</td><td style="height: 20px;"></td></tr> <tr><td>semiannual</td><td style="height: 20px;"></td></tr> <tr><td>annual</td><td style="height: 20px;"></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px;">\$1,500</span>	
daily																
weekly																
monthly																
quarterly																
semiannual																
annual																
single event	x															
One single event is recommended.																
<b>Good Faith Efforts to Comply</b>																
<b>10.0%</b>		<b>Reduction</b> <span style="border: 1px solid black; padding: 2px;">\$150</span>														
Before NOE/NOV      NOE/NOV to EDRP/Settlement Offer																
Extraordinary Ordinary N/A	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; height: 20px;"></td> <td style="width: 50%; height: 20px;"></td> </tr> <tr> <td style="height: 20px;"></td> <td style="text-align: center;">x</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> </tr> </table>					x										
	x															
<b>Notes</b>	The Respondent achieved compliance on August 26, 2021.															
<b>Violation Subtotal</b>		<span style="border: 1px solid black; padding: 2px;">\$1,350</span>														
<b>Economic Benefit (EB) for this violation</b>																
<b>Estimated EB Amount</b>		<span style="border: 1px solid black; padding: 2px;">\$49</span>														
<b>Statutory Limit Test</b>																
<b>Violation Final Penalty Total</b>		<span style="border: 1px solid black; padding: 2px;">\$1,860</span>														
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<span style="border: 1px solid black; padding: 2px;">\$1,860</span>														

## Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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	16-Jul-2019	26-Aug-2021	2.12	\$4	n/a	\$4

#### Notes for DELAYED costs

The delayed costs include the estimated amount to inspect the interior surface of the 0.01 MG pressure tank (\$41 per tank x one tank), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$41	16-Jul-2019	27-Jul-2021	2.03	\$4	\$41	\$45
Other (as needed)				0.00	\$0	\$0	\$0

#### Notes for AVOIDED costs

The delayed costs include the estimated amount to inspect the interior surface of the 0.01 MG pressure tank (\$41 per tank x one tank), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of screening.

Approx. Cost of Compliance

\$82

**TOTAL**

\$49

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 9 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.44(h)(4) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.v.  <b>Violation Description</b> Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, backflow prevention assembly tests conducted for the Garza County Clinic, Hudman Funeral Home, and Giles Dalby Correctional Facility were incorrectly tested while backflow prevention assembly tests for the Stripes, Allsup's, McDonald's, and Holly's Drive-In were not provided.	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	Potential	Potential	
		x			30.0%

**>> Programmatic Matrix**

Matrix Notes	Falsification				Percent
	Major	Moderate	Minor		
	Falsification	Falsification	Falsification		
					0.0%

Failure to test backflow prevention assemblies 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** \$3,500

\$1,500

**Violation Events**

Number of Violation Events	23	Number of violation days	695
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daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$34,500

Twenty-three monthly events are recommended, calculated from September 1, 2019, to the date of screening, July 27, 2021.

**Good Faith Efforts to Comply**

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

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

**Violation Subtotal** \$34,500

**Economic Benefit (EB) for this violation**

Estimated EB Amount	\$0	Statutory Limit Test	
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**Violation Final Penalty Total** \$46,230

**This violation Final Assessed Penalty (adjusted for limits)** \$46,230

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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
<b>Delayed Costs</b>							
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
<b>Notes for DELAYED costs</b>	The delayed cost to update the Facility's operational guidance and conduct employee training to ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and are certified that they are operating within specifications and to test the backflow assemblies for Stripes, Allsup's, McDonald's, and Holly's Drive-In are captured in the Economic Benefit Worksheet for Violation No. 2 of PCW No. 1.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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
<b>Notes for AVOIDED costs</b>	The avoided cost to test the backflow prevention assemblies for the Stripes, Allsup's, McDonald's, and Holly's Drive-In is captured in the Economic Benefit Worksheet for Violation No. 2 of PCW No. 1.						
<b>Approx. Cost of Compliance</b>				\$0	<b>TOTAL</b>	\$0	

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	10	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(c)(5) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.vi
<b>Violation Description</b>	Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.		

**Base Penalty** \$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">7.0%</span>
	Potential			x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>

Matrix Notes

Failure to conduct chloramine effectiveness sampling could lead to excessive nitrification in the distribution system which could cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,650

\$350

**Violation Events**

Number of Violation Events	1	742	Number of violation days
----------------------------	---	-----	--------------------------

	daily	weekly	monthly	quarterly	semiannual	annual	single event	
							x	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$350</span>

One single event is recommended.

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	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** \$350

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

Estimated EB Amount	\$251	Violation Final Penalty Total	\$469
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$469

## Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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				
<b>Delayed Costs</b>											
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	\$200	16-Jul-2019	1-Aug-2022	3.05	\$30	n/a	\$30				
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				
<b>Notes for DELAYED costs</b> 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 effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, to the estimated date of compliance.											
<b>Avoided Costs</b>											
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>											
Disposal				0.00	\$0	\$0	\$0				
Personnel				0.00	\$0	\$0	\$0				
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0				
Supplies/Equipment				0.00	\$0	\$0	\$0				
Financial Assurance				0.00	\$0	\$0	\$0				
ONE-TIME avoided costs	\$200	16-Jul-2019	27-Jul-2021	2.03	\$21	\$200	\$221				
Other (as needed)				0.00	\$0	\$0	\$0				
<b>Notes for AVOIDED costs</b> The avoided cost includes the estimated amount to collect conduct chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, to the date of screening											
<table style="width: 100%;"> <tr> <td style="width: 40%;">Approx. Cost of Compliance</td> <td style="width: 20%; text-align: center;">\$400</td> <td style="width: 20%; text-align: center;"><b>TOTAL</b></td> <td style="width: 20%; text-align: center;">\$251</td> </tr> </table>								Approx. Cost of Compliance	\$400	<b>TOTAL</b>	\$251
Approx. Cost of Compliance	\$400	<b>TOTAL</b>	\$251								



<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal <b>Violation Number</b> 11 <b>Rule Cite(s)</b> 30 Tex. Admin. Code 290.46(i) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.i	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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**Violation Description**  
 Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, a plumbing ordinance or service agreement for the multiple service connections located outside the city limits was not provided.

**Base Penalty** \$5,000

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

OR

	Major	Moderate	Minor
<b>Release</b>			
Actual			
Potential			

**Percent** 0.0%

**>> Programmatic Matrix**

Matrix Notes

	Major	Moderate	Minor
Falsification			
			x

At least 70% of the rule requirements were met.

**Percent** 1.0%

**Adjustment** \$4,950

\$50

**Violation Events**

Number of Violation Events 1

742 Number of violation days

daily  
 weekly  
 monthly  
 quarterly  
 semiannual  
 annual  
 single event

x

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%**

Reduction \$0

Extraordinary  
 Ordinary  
 N/A

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

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

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$28

**Violation Final Penalty Total** \$67

**This violation Final Assessed Penalty (adjusted for limits)** \$67

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	16-Jul-2019	1-Sep-2022	3.13	\$28	n/a	\$28
Notes for DELAYED costs The delayed cost includes the amount to adopt an adequate plumbing ordinance or service agreement to include the service connections located outside the city limits, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E 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** \$28

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	12	<b>Rule Cite(s)</b>	
		30 Tex. Admin. Code § 290.46(j) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.ii	
<b>Violation Description</b>	Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that a cross-connection or other potential contamination hazard exists. Specifically, CSIs had not been performed at the new high school, elementary school, Jack & Jill Donuts, Emergency Medical Service ("EMS") Building, field house, and car wash.		

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

<b>Matrix Notes</b>	Failure to conduct a CSI may result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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	\$1,500
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**Violation Events**

Number of Violation Events	23	695	Number of violation days
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	daily						
	weekly						
	monthly	x					
	quarterly						
	semiannual						
	annual						
	single event						

<b>Violation Base Penalty</b>	\$34,500
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Twenty-three monthly events are recommended, calculated from September 1, 2019, to the date of screening, July 27, 2021.	
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**Good Faith Efforts to Comply**

	0.0%	
		<b>Reduction</b>

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

<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$34,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0	<b>Statutory Limit Test</b>
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	\$46,230	<b>Violation Final Penalty Total</b>
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$46,230
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# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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 costs to implement a CSI program to ensure that all service connections are properly inspected and to conduct CSI at locations where cross-connections or potential contamination hazards may exist, including but not limited to the new high school, elementary school, Jack & Jill Donuts, EMS Building, field house, and car wash is captured in the Economic Benefit Worksheet for Violation No. 3 of PCW No. 1.

## 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

**TOTAL**

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	13	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(z) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iii
<b>Violation Description</b>	Failed to develop a nitrification action plan ("NAP") for a system distributing chloraminated water.		

**Base Penalty** \$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Percent</b> <span style="border: 1px solid black; padding: 2px 20px;">20.0%</span>

Matrix Notes	100% of the rule requirements were not met.
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**Adjustment** \$4,000

\$1,000

**Violation Events**

Number of Violation Events	<div style="border: 1px solid black; padding: 2px 20px;">1</div>	<div style="border: 1px solid black; padding: 2px 20px;">742</div>	Number of violation days
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	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 2px 20px;">\$1,000</span>
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	

One single event is recommended.

**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b> <span style="border: 1px solid black; padding: 2px 20px;">\$0</span>
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
N/A	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

Notes	The Respondent does not meet the good faith criteria for this violation.
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**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<div style="border: 1px solid black; padding: 2px 20px;">\$24</div>	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	<div style="border: 1px solid black; padding: 2px 20px;">\$1,340</div>
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<div style="border: 1px solid black; padding: 2px 20px;">\$1,340</div>
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# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	16-Jul-2019	21-Mar-2022	2.68	\$24	n/a	\$24
Notes for DELAYED costs	The delayed cost includes the estimated amount to create a NAP, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$180

**TOTAL** \$24

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	14	<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iv
<b>Violation Description</b>	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.		

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="20.0%"/>

Matrix Notes	100% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,000
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	\$1,000
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**Violation Events**

Number of Violation Events	1	742	Number of violation days
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	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

One single event is recommended.
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**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>	\$0
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	<input type="text"/>	

Notes	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$1,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$28
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$1,340
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,340
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## Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	16-Jul-2019	1-Sep-2022	3.13	\$28	n/a	\$28
Notes for DELAYED costs The delayed cost includes the estimated amount to develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0972-PWS-E, 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** \$28



<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>															
<b>Violation Number</b> 15 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.i																	
<b>Violation Description</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the LAS storage containers at the Slaton tank, White River Municipal Water District booster station, and Post tank did not have adequate containment.       </div>																	
<b>Base Penalty</b>		\$5,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
OR	<b>Release</b>	<b>Harm</b>															
		Major    Moderate    Minor															
	Actual Potential	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 33%; height: 20px;"></td><td style="width: 33%; height: 20px;"></td><td style="width: 33%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="text-align: center;">x</td><td style="height: 20px;"></td></tr> </table>					x		<b>Percent</b> 15.0%								
	x																
<b>&gt;&gt; Programmatic Matrix</b>																	
	Falsification    Major    Moderate    Minor																
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 25%; height: 20px;"></td><td style="width: 25%; height: 20px;"></td><td style="width: 25%; height: 20px;"></td><td style="width: 25%; height: 20px;"></td></tr> </table>					<b>Percent</b> 0.0%											
Matrix Notes	Failure to provide adequate containment for the LAS could expose employees or the environment to a significant amount of contaminants which would not exceed levels that are protective of human health.																
<b>Adjustment</b>		\$4,250															
		\$750															
<b>Violation Events</b>																	
Number of Violation Events		8	695 Number of violation days														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30%;">daily</td><td style="width: 70%; height: 20px;"></td></tr> <tr><td>weekly</td><td style="height: 20px;"></td></tr> <tr><td>monthly</td><td style="height: 20px;"></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td style="height: 20px;"></td></tr> <tr><td>annual</td><td style="height: 20px;"></td></tr> <tr><td>single event</td><td style="height: 20px;"></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$6,000	
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
Eight quarterly events are recommended, calculated from September 1, 2019, to the date of screening, July 27, 2021.																	
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b> \$0														
	Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer																
	Extraordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%; height: 20px;"></td></tr> </table>															
	Ordinary	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 20px;"></td><td style="width: 50%; text-align: center;">x</td></tr> </table>		x													
	x																
	N/A																
Notes	The Respondent achieved compliance on September 2, 2021.																
<b>Violation Subtotal</b>		\$6,000															
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b> \$8,040														
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$8,040															

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 15

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost to provide adequate containment facilities for the LAS storage containers is captured in the Economic Benefit Worksheet for Violation No. 4 of PCW No. 1.						

## 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

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>															
<b>Violation Number</b> 16																	
<b>Rule Cite(s)</b> 30 Tex. Admin Code § 290.42(e)(7)(C) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.ii																	
<b>Violation Description</b> Failed to provide a sampling tap at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species. Specifically, only one tap was installed ahead of injection at the tank battery site.																	
<b>Base Penalty</b>		\$5,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
<b>OR</b>	<b>Release</b>	<b>Harm</b>															
		Major    Moderate    Minor															
	Actual Potential	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%; height: 20px;"></td><td style="width:33%; height: 20px;"></td><td style="width:33%; height: 20px;"></td></tr> <tr><td style="height: 20px;"></td><td style="text-align: center;">x</td><td style="height: 20px;"></td></tr> </table>					x		<b>Percent</b> 15.0%								
	x																
<b>&gt;&gt; Programmatic Matrix</b>																	
	Falsification    Major    Moderate    Minor																
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px;"></td><td style="width:25%; height: 20px;"></td></tr> </table>					<b>Percent</b> 0.0%											
<b>Matrix Notes</b>	Failure to provide a sampling tap hinders the ability to determine appropriate dosing rates and could expose customers to a significant amount of contaminants which would not exceed levels protective of human health.																
<b>Adjustment</b>		\$4,250															
		\$750															
<b>Violation Events</b>																	
Number of Violation Events		8	695 Number of violation days														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:30%;">daily</td><td style="width:30%; height: 20px;"></td></tr> <tr><td>weekly</td><td style="height: 20px;"></td></tr> <tr><td>monthly</td><td style="height: 20px;"></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td style="height: 20px;"></td></tr> <tr><td>annual</td><td style="height: 20px;"></td></tr> <tr><td>single event</td><td style="height: 20px;"></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$6,000	
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
Eight quarterly monthly events are recommended, calculated from September 1, 2019, to the date of screening, July 27, 2021.																	
<b>Good Faith Efforts to Comply</b>		<b>10.0%</b>	<b>Reduction</b> \$600														
	Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer																
Extraordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px;"></td><td style="width:50%; height: 20px;"></td></tr> </table>																
Ordinary	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px;"></td><td style="width:50%; text-align: center;">x</td></tr> </table>				x												
	x																
N/A	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; height: 20px;"></td><td style="width:50%; height: 20px;"></td></tr> </table>																
Notes	The Respondent achieved compliance on September 2, 2021.																
<b>Violation Subtotal</b>		\$5,400															
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>															
<b>Estimated EB Amount</b>		\$0															
<b>Violation Final Penalty Total</b>		\$7,440															
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$7,440															

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 16

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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 costs to install one adequate sampling tap at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine is captured in the Economic Benefit Worksheet for Violation No. 5 of PCW No. 1.						

## 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

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	17	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(d)(3)	
<b>Violation Description</b>	Failed to provide a device to readily determine the air-water-volume for the pressure tank. Specifically, the site glass for the pressure tank was broken.	

**Base Penalty** \$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	Potential	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	x	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
		<b>Percent</b>			<span style="border: 1px solid black; padding: 2px 20px;">15.0%</span>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor		
Matrix Notes	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>		
Failure to provide the pressure tank with a device to determine the air-water-volume may not allow the operator to make necessary pressure adjustments which could expose customers of the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					<b>Percent</b>	<span style="border: 1px solid black; padding: 2px 20px;">0.0%</span>
					<b>Adjustment</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$4,250</span>

\$750

**Violation Events**

Number of Violation Events	<span style="border: 1px solid black; padding: 2px 20px;">1</span>	<span style="border: 1px solid black; padding: 2px 20px;">76</span>	Number of violation days
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	daily	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	weekly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	monthly	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	quarterly	x	
	semiannual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	annual	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
	single event	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	
One quarterly event is recommended, calculated from the date of the investigation, May 12, 2021, to the date of compliance, July 8, 2021			

**Violation Base Penalty** \$750

**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
Ordinary	x	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
N/A	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>	<span style="border: 1px solid black; display: inline-block; width: 40px; height: 15px;"></span>
Notes	The Respondent achieved compliance on July 8, 2021.	
<b>Violation Subtotal</b>		<span style="border: 1px solid black; padding: 2px 20px;">\$563</span>

**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$5</span>
<b>Violation Final Penalty Total</b>	<span style="border: 1px solid black; padding: 2px 20px;">\$818</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
<span style="border: 1px solid black; padding: 2px 20px;">\$818</span>	

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**Media** Public Water Supply  
**Violation No.** 17

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$500	12-May-2021	8-Jul-2021	0.16	\$0	\$5	\$5
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 site glass on the pressure tank, calculated from the date of the investigation to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$500

**TOTAL** \$5

<b>Screening Date</b> 27-Jul-2021 <b>Respondent</b> City of Post (PCW No. 2) <b>Case ID No.</b> 56405 <b>Reg. Ent. Reference No.</b> RN101421519 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Epifanio Villarreal	<b>Docket No.</b> 2021-0978-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	18	<b>Rule Cite(s)</b>		
		30 Tex. Admin. Code § 290.46(m)(1)(B)		
<b>Violation Description</b>	Failed to inspect the Facility's 0.01 MG pressure tank annually.			

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to inspect the exterior of the Facility's pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which1 would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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	\$1,500
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**Violation Events**

Number of Violation Events	1	76	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event	
							x	<b>Violation Base Penalty</b> \$1,500

One single event is recommended.	
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**Good Faith Efforts to Comply**

	<b>10.0%</b>	<b>Reduction</b> \$150
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on August 26, 2021.	

<b>Violation Subtotal</b>	\$1,350
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$42	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> \$1,860
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,860

# Economic Benefit Worksheet

**Respondent** City of Post (PCW No. 2)  
**Case ID No.** 56405  
**Reg. Ent. Reference No.** RN101421519  
**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
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## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$41	12-May-2021	26-Aug-2021	0.29	\$1	n/a	\$1

### Notes for DELAYED costs

The avoided costs include the estimated amount to inspect the exterior surface of the 0.01 MG pressure tank (\$41 per tank x one tank), calculated from the date of the investigation to the date of compliance.

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$41	12-May-2021	27-Jul-2021	0.21	\$0	\$41	\$41
Other (as needed)				0.00	\$0	\$0	\$0

### Notes for AVOIDED costs

The avoided costs include the estimated amount to inspect the exterior surface of the 0.01 MG pressure tank (\$41 per tank x one tank), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$82

**TOTAL**

\$42



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 CN600248876, RN101421519, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600248876, City of Post **Classification:** SATISFACTORY **Rating:** 39.09

**Regulated Entity:** RN101421519, CITY OF POST PUBLIC WATER SUPPLY **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 105 EAST MAIN STREET IN POST, GARZA COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
0850001

**WATER LICENSING LICENSE** 0850001

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** October 22, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 22, 2016 to October 22, 2021

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

**Name:** EPI VILLARREAL

**Phone:** (361) 881-6991

**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: 07/16/2019 ADMINORDER 2018-0972-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(7)(C)  
Description: Failed to provide sampling taps at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)  
Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(3)  
Description: Failed to provide an air gap between the filling outlet hose and the receiving tank at the overhead bulk water dispensing station  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)  
Description: Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(C)  
Description: Failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)

Description: Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation

Classification: Moderate

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

Description: Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted

Classification: Moderate

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

Description: Failed to complete a customer service inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that a cross-connection or other potential contamination hazard exist

Classification: Moderate

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

Description: Failed to flush all dead-end mains at monthly intervals

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failed to conduct an annual inspection of the Facility's 1.0 MG ground storage tank

Classification: Moderate

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

Description: Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations

Classification: Minor

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

Description: Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and an emergency telephone number where a responsible official can be contacted

Classification: Moderate

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

Description: Failed to develop a nitrification action plan ("NAP") for a system distributing chloraminated water

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)

Description: Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failed to conduct an annual inspection of the Facility's 0.01 MG pressure tank in 2017

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failed to conduct an inspection of the interior of the Facility's 0.01 MG pressure tank with an inspection port at least once every five years

## **B. Criminal convictions:**

N/A

## **C. Chronic excessive emissions events:**

N/A

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

Item 1	August 21, 2019	(1590900)
Item 2	September 16, 2021	(1762059)

**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 | <p>Date: 12/21/2020 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)<br/>30 TAC Chapter 290, SubChapter F 290.117(h)<br/>30 TAC Chapter 290, SubChapter F 290.117(i)(1)</p> <p>Description: LCR RD MR 3Y2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2018 to 12/31/2020 within the required timeline.</p>  |
| 2 | <p>Date: 03/17/2021 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)<br/>30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(4)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(5)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)</p> <p>Description: RTCR Routine MR Violation 01/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.</p> |
| 3 | <p>Date: 04/21/2021 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)<br/>30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(4)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(5)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)</p> <p>Description: RTCR Routine MR Violation 02/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.</p> |
| 4 | <p>Date: 04/29/2021 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)<br/>30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(4)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(5)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)</p> <p>Description: RTCR Routine MR Violation 03/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.</p> |
| 5 | <p>Date: 05/24/2021 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)<br/>30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(4)<br/>30 TAC Chapter 290, SubChapter F 290.109(g)(5)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)<br/>40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)</p> <p>Description: RTCR Routine MR Violation 04/2021 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.</p> |
| 6 | <p>Date: 06/23/2021 (1744940)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)<br/>30 TAC Chapter 290, SubChapter F 290.110(f)(2)<br/>30 TAC Chapter 290, SubChapter F 290.110(f)(3)</p> <p>Description: DLQOR MR 1Q2021 - The system failed to monitor and/or report distribution disinfected residuals to the TCEQ for the 1st quarter of 2021 within the required</p>   |

timeline.

7      Date:      06/28/2021      (1744940)  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 290, SubChapter F 290.109(d)  
                 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
  
                 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
                 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
                 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
                 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
                 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
Description:      RTCR Routine MR Violation 05/2021 - Failure to collect and/or submit all routine  
                 monitoring sample(s) within the required timeline.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF POST  
RN101421519**

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

## **AGREED ORDER DOCKET NO. 2021-0978-PWS-E**

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

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

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

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 105 East Main Street in Post, Garza County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,752 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation conducted on May 12, 2021 through May 26, 2021, an investigator documented that:
  - a. There was buildup of liquid ammonium sulfate ("LAS") on the LAS injection pump at the White River injection site and the building surrounding the LAS at the White River injection site was rusting along the bottom;
  - b. The fan for the chlorinator room at the White River injection site was inoperable;
  - c. The Respondent did not inspect the Facility's one million-gallon ("MG") ground storage tank ("GST") annually;

- d. The Respondent did not maintain a thorough and up-to-date plant operations manual for operator review and reference;
- e. The Respondent did not monitor the disinfectant residual at representative locations in the distribution system at least once per day;
- f. The Facility used two operators with a Class "D" license;
- g. Records for the amount of each chemical used each day, the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation records, and dates the dead-end mains were flushed were not maintained on-site for review;
- h. The Respondent did not conduct an inspection of the interior of the Facility's 0.01 MG pressure tank at least once every five years;
- i. Backflow prevention assembly tests conducted for the Garza County Clinic, Hudman Funeral Home, and Giles Dalby Correctional Facility were incorrectly tested while backflow prevention assembly tests for the Stripes, Allsup's, McDonald's, and Holly's Drive-In were not provided;
- j. The Respondent did not conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled;
- k. A plumbing ordinance or service agreement for the multiple service connections located outside the city limits was not provided;
- l. CSIs had not been performed at the new high school, elementary school, Jack & Jill Donuts, Emergency Medical Service ("EMS") Building, field house, and car wash;
- m. The Respondent did not develop a nitrification action plan ("NAP") for a system distributing chloraminated water;
- n. The Respondent did not develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements;
- o. The LAS storage containers at the Slaton tank, White River Municipal Water District booster station, and Post tank did not have adequate containment;
- p. Only one tap was installed ahead of injection at the tank battery site;
- q. The site glass for the pressure tank was broken; and

- r. The Respondent did not inspect the Facility's 0.01 MG pressure tank annually.
3. The Executive Director recognizes that the Respondent implemented the following corrective measure as the Facility:
- a. By inspecting the 1 MG GST by June 9, 2021;
  - b. By providing records of dead-end main flushing and provided a complaint log by July 8, 2021;
  - c. By repairing the site glass on the pressure tank by July 8, 2021;
  - d. By cleaning up the buildup of LAS on the LAS injection pump at the White River injection site by August 2, 2021;
  - e. By maintaining an up-to-date and thorough plant operations manual for operator review and reference by August 19, 2021;
  - f. By conducting the interior inspection for the Facility's 0.01 MG pressure tank by August 26, 2021;
  - g. By conducting an inspection of the Facility's 0.01 MG pressure tank by August 26, 2021;
  - h. By providing adequate containment facilities for the LAS storage containers at the Slaton tank, White River Municipal Water District booster station, and Post tank by September 2, 2021;
  - i. By installing adequate sampling taps at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species by September 2, 2021;
  - j. By replacing the building where the rust was encountered on the building surrounding the LAS at the White River injection site by September 2, 2021;
  - k. By providing records for the amount of each chemical used each day by January 27, 2022;
  - l. By submitting copies of backflow prevention assembly tests for McDonalds and Holly's Drive-In by February 9, 2022;
  - m. By submitting photos demonstrating that the fan in the chlorinator room at the White River injection site was replaced by February 15, 2022; and
  - n. By submitting a NAP by March 21, 2022.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to 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).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide forced air ventilation, which includes both 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 located outside, for enclosures containing more than one operating 150-pound cylinder of chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to inspect the Facility's 1 MG GST 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 maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to operate the Facility under the direct supervision of at least two water works operators who hold a Class "C" or higher license and each work at least 16 hours per month at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(C) and TEX. HEALTH & SAFETY CODE § 341.033(a) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.i.
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II), (f)(3)(A)(iii), and (f)(3)(A)(iv) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.ii.
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to conduct an inspection of the interior of the Facility's 0.01 MG pressure tank with an inspection port at least once every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.iv.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to have all backflow prevention assemblies 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) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.v.

11. As evidenced by Finding of Fact No. 2.j, 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) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.a.vi.
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE 290.46(i) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.i.
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe that a cross-connection or other potential contamination hazard exists, in violation of 30 TEX. ADMIN. CODE § 290.46(j) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.ii.
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to develop a NAP for a system distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iii.
15. As evidenced by Finding of Fact No. 2.n, the Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.c.iv.
16. As evidenced by Finding of Fact No. 2.o, the Respondent failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.i.
17. As evidenced by Finding of Fact No. 2.p, the Respondent failed to provide a sampling tap at locations that allow for the chlorine and ammonia to be added to the water to form monochloramine as the primary species, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(7)(C) and TCEQ Agreed Order Docket No. 2018-0972-PWS-E, Ordering Provision No. 2.e.ii.

18. As evidenced by Finding of Fact No. 2.q, the Respondent failed to provide a device to readily determine the air-water-volume for the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3).
19. As evidenced by Finding of Fact No. 2.r, the Respondent failed to inspect the Facility's 0.01 MG pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
20. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
21. An administrative penalty in the amount of \$140,529 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$140,529 penalty.

### **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. 21 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 Post, Docket No. 2021-0978-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that all backflow prevention assemblies 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;
    - ii. Operate the Facility under the direct supervision of two water works operators who hold a Class "C" or higher license and who each work at

least 16 hours per month at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- iii. Complete a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the new high school, elementary school, Jack & Jill Donuts, EMS Building, field house, and car wash, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - iv. Begin collecting all required 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; and
  - v. Begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon three months of compliant monitoring.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.
- c. Within 60 days after the effective date of this Order:
- i. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44;
  - ii. Adopt an adequate plumbing ordinance, regulation, or service agreement with provisions for proper enforcement to include the service connections located outside the city limits to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, including but not limited to the service locations located outside of city limits, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
  - iii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.

- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i. through 2.c.iii.
- e. Within 90 days after the effective date of this Order, implement a CSI program to ensure all service connections are properly inspected, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.v.
- h. 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 No. 2.a.iv. 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  
Lubbock Regional Office  
Texas Commission on Environmental Quality  
5012 50th Street, Suite 100  
Lubbock, Texas 79414-3426

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

9/28/2022


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

4-12-2022  
Date

MARTIN SELF  
Name (Printed or typed)  
Authorized Representative of  
City of Post

  
Title

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