

Executive Summary – Enforcement Matter – Case No. 61171
City of Overton
RN103934733
Docket No. 2021-1062-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Overton PWS, 1200 South Commerce Street, Overton, Rusk 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: February 3, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,326

Total Paid to General Revenue: \$7,326

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): June 23, 2021 – June 27, 2021

Complaint Information: Alleged problems regarding the drinking water quality. There were 15 more complaints regarding the water quality and low water pressure.

Date(s) of Investigation: June 25, 2021 through July 2, 2021 and December 7, 2021 through December 8, 2021

Date(s) of NOE(s): July 22, 2021 and January 21, 2022

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Docket No. 2021-1062-PWS-E

Violation Information

1. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
2. Failed to meet the maximum secondary constituent level ("MSCL") for color of 15 color units [30 TEX. ADMIN. CODE § 290.118(a) and (b)].
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(iv)].
4. Failed to compile and 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 fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that the surface water will drain away from the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(I)].
6. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
7. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].
8. 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)].
9. Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].
10. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free from excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4)].
11. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system by July 2, 2021; and
- b. Maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system by December 9, 2021.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the interior and exterior coatings of the ground storage tanks located on Farm-to-Market Road 3053 and Farm-to-Market Road 850 and removing the overgrown vegetation surrounding Plant No. 7;
 - ii. Compile and maintain properly completed water works operation and maintenance records, including copies of Customer Service Inspection reports; and
 - iii. Verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
 - i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;
 - ii. Provide a weighted cover for the overflow pipe for the ground storage tank on Farm-to-Market Road 3053 that fits tightly with no gap over 1/16 inch; and
 - iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the water main valve at the intersection of Rusk Street and McKay Street.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

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RN103934733

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- e. Within 90 days, fine grade the well site for Well No. 7 so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 1,095 days, provide water that meets the MSCL for color and/or receive a written approval from the Executive Director to use the water source for public drinking water.
- h. Within 1,110 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Curtis Gilbert, Mayor, City of Overton, 1200 South Commerce Street, Overton, Texas 75684

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	26-Jul-2021	Screening	6-Aug-2021	EPA Due	
	PCW	11-Aug-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Overton (PCW No. 1)
Reg. Ent. Ref. No.	RN103934733
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61171	No. of Violations	9
Docket No.	2021-1062-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Steven Hall
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	10.0% Adjustment	Subtotals 2, 3, & 7	\$550
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Notes	Enhancement for two NOVs with the same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5,639	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$18,035	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,863
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$5,863
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,863
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$5,863
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Screening Date 6-Aug-2021

Docket No. 2021-1062-PWS-E

PCW

Respondent City of Overton (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61171

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN103934733

Media Public Water Supply

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 6-Aug-2021

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PCW

Respondent City of Overton (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61171

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN103934733

Media Public Water Supply

Enf. Coordinator Steven Hall

Violation Number 1

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

Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the interior and exterior coatings of the ground storage tanks ("GSTs") located on Farm-to-Market Road 3053 and Farm-to-Market Road 850 were in poor condition.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%). Includes 'OR' label.

>> Programmatic Matrix

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

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 42

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event. Quarterly is marked with 'x'.

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the June 25, 2021 investigation date to the August 6, 2021 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer. Rows: Extraordinary, Ordinary, N/A. N/A is marked with 'x'.

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,438

Violation Final Penalty Total \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 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)	\$6,000	31-May-2017	20-Mar-2023	5.81	\$116	\$2,322	\$2,438
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the interior and exterior coatings of the GSTs located on Farm-to-Market Road 3053 and Farm-to-Market Road 850, calculated from the investigation date initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,000

TOTAL

\$2,438

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.118(a) and (b)
Violation Description Failed to meet the maximum secondary constituent level ("MSCL") for color of 15 color units. Specifically, on February 27, 2020, a sample collected at the entry point from the plant served by Well No. 7 measured 32 color units and a sample collected from a flush valve on Farm-to-Market Road 3053 measured 37 color units.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to comply with the MSCL for color could expose persons served by the Facility 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 1 526 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$350

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

Estimated EB Amount \$2,989 **Violation Final Penalty Total** \$385

This violation Final Assessed Penalty (adjusted for limits) \$385

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$10,000	27-Feb-2020	17-Feb-2026	5.98	\$2,989	n/a	\$2,989

Notes for DELAYED costs The delayed cost includes the estimated amount necessary to provide water that meets the MSCL for color, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$2,989

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(E)(iv)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, copies of Customer Service Inspection reports were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
Less than 30% of the rule requirements were not met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 402 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

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$55

This violation Final Assessed Penalty (adjusted for limits) \$55

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 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	\$45	30-Jun-2020	20-Mar-2023	2.72	\$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

Notes for DELAYED costs
 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 date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$6

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
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Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)
Violation Description Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%
Matrix Notes	100% of the requirement was not met.				

Adjustment \$4,000

\$1,000

Violation Events

Number of Violation Events 1 148 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

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

Estimated EB Amount \$19 **Violation Final Penalty Total** \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 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	11-Mar-2021	19-Apr-2023	2.11	\$19	n/a	\$19

Notes for DELAYED costs The delayed cost includes the estimated amount to develop and maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$19

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
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Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(I)
Violation Description Failed to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that the surface water will drain away from the well. Specifically, at the well site for Well No. 7, there were depressions near the GST and fence.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to fine grade the well site may allow well water to be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the June 25, 2021 investigation date to the August 6, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$109 **Violation Final Penalty Total** \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	11-Mar-2021	19-May-2023	2.19	\$109	n/a	\$109

Notes for DELAYED costs
 The delayed cost includes the estimated amount to fine grade the well site for Well No. 7 so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$109

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on June 25, 2021 a free chlorine residual of 0.04 mg/L was collected at a residence on Kingsway Drive.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to maintain proper levels of disinfection could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 7 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the June 25, 2021 investigation date to the July 2, 2021 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$187

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

Notes The Respondent achieved compliance on July 2, 2021.

Violation Subtotal \$563

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$638

This violation Final Assessed Penalty (adjusted for limits) \$638

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	25-Jun-2021	2-Jul-2021	0.02	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L free chlorine throughout the distribution system, calculated from the investigation date 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 \$200

TOTAL \$0

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)
Violation Description Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to verify the accuracy of the manual disinfectant residual analyzer could result in the non-detection of improperly disinfected water and potentially expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	25-Jun-2021	20-Mar-2023	1.73	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	25-Jun-2021	6-Aug-2021	0.12	\$0	\$5	\$5
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the screening date.

Approx. Cost of Compliance \$10

TOTAL \$5

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)
Violation Description Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the vegetation surrounding Plant No. 7 was overgrown.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$350

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$385

This violation Final Assessed Penalty (adjusted for limits) \$385

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	25-Jun-2021	20-Mar-2023	1.73	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to remove the overgrown vegetation surrounding Plant No. 7, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$9

Screening Date 6-Aug-2021 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)
Violation Description Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the gap between the overflow and cover was greater than 1/16 inch at the GST on Farm-to-Market Road 3053.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the June 25, 2021 investigation date to the August 6, 2021 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$64 **Violation Final Penalty Total** \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 1)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	25-Jun-2021	19-Apr-2023	1.82	\$3	\$61	\$64
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide an overflow pipe for the GST on Farm-to-Market Road 3053 that fits tightly with no gap over 1/16 inch in accordance with AWWA standards, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$64



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jan-2022	Screening	3-Feb-2022	EPA Due	
	PCW	7-Feb-2002				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Overton (PCW No. 2)
Reg. Ent. Ref. No.	RN103934733
Facility/Site Region	5-Tyler
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61171	No. of Violations	2
Docket No.	2021-1062-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Steven Hall
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	10.0% Adjustment	Subtotals 2, 3, & 7	\$150
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Notes: Enhancement for two NOVs with the same/similar violations.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$187
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$55
 Estimated Cost of Compliance: \$700
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,463
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,463
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,463
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,463
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Screening Date 3-Feb-2022

Docket No. 2021-1062-PWS-E

PCW

Respondent City of Overton (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61171

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN103934733

Media Public Water Supply

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	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) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 3-Feb-2022 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)
Violation Description Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free from excessive solids. Specifically, the water main valve at the intersection of Rusk Street and McKay Street was leaking.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to maintain the water main valve in a watertight condition could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 58 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the December 7, 2021 investigation date to the February 3, 2022 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$55 **Violation Final Penalty Total** \$825

This violation Final Assessed Penalty (adjusted for limits) \$825

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 2)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
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

Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	23-Sep-2021	19-Apr-2023	1.57	\$3	\$52	\$55
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 leak at the Facility, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$55

Screening Date 3-Feb-2022 **Docket No.** 2021-1062-PWS-E **PCW**
Respondent City of Overton (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61171 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN103934733
Media Public Water Supply
Enf. Coordinator Steven Hall

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on December 7, 2021 and December 8, 2021, free chlorine residuals of 0.06 mg/L were collected from a hydrant located on at the intersection of North Rusk Street and East Henderson Street.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to maintain proper levels of disinfection could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the December 7, 2021 investigation date to the December 9, 2021 compliance date.

Good Faith Efforts to Comply 25.0% Reduction \$187

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

Notes The Respondent achieved compliance on December 9, 2021.

Violation Subtotal \$563

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$638

This violation Final Assessed Penalty (adjusted for limits) \$638

Economic Benefit Worksheet

Respondent City of Overton (PCW No. 2)
Case ID No. 61171
Reg. Ent. Reference No. RN103934733
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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)	\$200	7-Dec-2021	9-Dec-2021	0.01	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L free chlorine throughout the distribution system, calculated from the investigation date 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 \$200

TOTAL \$0



Compliance History Report

Compliance History Report for CN600634877, RN103934733, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600634877, City of Overton **Classification:** SATISFACTORY **Rating:** 5.33
Regulated Entity: RN103934733, CITY OF OVERTON **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 1200 S COMMERCE STREET IN OVERTON, RUSK COUNTY, TEXAS
TCEQ Region: REGION 05 - TYLER
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2010002

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021
Date Compliance History Report Prepared: January 24, 2023
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: August 22, 2017 to August 22, 2022
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ronica Rodriguez Scott **Phone:** (361) 881-6990

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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 March 25, 2021 (1706513)

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

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

- 1 Date: 10/22/2021 (1763834)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to repair a known leak and maintain the distribution system in watertight condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

2 Date: 10/29/2021 (1765397)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free from excessive solids. Specifically, the water main valve at the intersection of Rusk Street and McKay Street was leaking.

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 OVERTON
RN103934733**

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

AGREED ORDER DOCKET NO. 2021-1062-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 Overton (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 1200 South Commerce Street in Overton, Rusk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,226 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 at the Facility conducted on June 25, 2021 through July 2, 2021, an investigator documented that:
 - a. The interior and exterior coatings of the ground storage tanks ("GSTs") located on Farm-to-Market Road 3053 and Farm-to-Market Road 850 were in poor condition;
 - b. On February 27, 2020, a sample collected at the entry point from the plant served by Well No. 7 measured 32 color units and a sample collected from a flush valve on Farm-to-Market Road 3053 measured 37 color units;

- c. The Respondent did not maintain copies of Customer Service Inspection reports on-site for review;
 - d. The Respondent did not compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
 - e. At the well site for Well No. 7, there were depressions near the GST and fence;
 - f. On June 25, 2021, a free chlorine residual of 0.04 milligrams per liter ("mg/L") was collected at a residence on Kingsway Drive;
 - g. The Respondent did not verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations;
 - h. The vegetation surrounding Plant No. 7 was overgrown; and
 - i. The gap between the overflow and cover was greater than 1/16 inch at the GST on Farm-to-Market Road 3053.
3. During an investigation at the Facility conducted on December 7, 2021 through December 8, 2021, an investigator documented that:
- a. The water main valve at the intersection of Rusk Street and McKay Street was leaking; and
 - b. On December 7, 2021 and December 8, 2021, free chlorine residuals of 0.06 mg/L were collected from a hydrant located at the intersection of North Rusk Street and East Henderson Street.
4. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
- a. Maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system by July 2, 2021; and
 - b. Maintained a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system by December 9, 2021.

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 meet the maximum secondary constituent level ("MSCL") for color of 15 color units, in violation of 30 TEX. ADMIN. CODE § 290.118(a) and (b).
 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(iv).
 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to compile and 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 fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that the surface water will drain away from the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(I).
 7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
 8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
 9. As evidenced by Finding of Fact No. 2.h, 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).
 10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).
 11. As evidenced by Finding of Fact No. 3.a, the Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free from excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).

12. As evidenced by Finding of Fact No. 3.b, the Respondent failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. 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.
14. An administrative penalty in the amount of \$7,326 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 \$7,326 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. 14 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 Overton, Docket No. 2021-1062-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. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the interior and exterior coatings of the GSTs located on Farm-to-Market Road 3053 and Farm-to-Market Road 850 and removing the overgrown vegetation surrounding Plant No. 7, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Compile and maintain properly completed water works operation and maintenance records, including copies of Customer Service Inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46; and

- iii. Verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations, in accordance 30 TEX. ADMIN. CODE § 290.46.
- 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. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Provide a weighted cover for the overflow pipe for the GST on Farm-to-Market Road 3053 that fits tightly with no gap over 1/16 inch in accordance with AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the water main valve at the intersection of Rusk Street and McKay Street, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- 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, fine grade the well site for Well No. 7 so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- 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 1,095 days after the effective date of this Order, provide water that meets the MSCL for color and/or receive a written approval from the Executive Director to use the water source for public drinking water, in accordance with 30 TEX. ADMIN. CODE § 290.118. The well completion data and all required monitoring test reports shall be submitted to:

Plan and Technical Review Section
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3038

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning well completion data within 15 days after the date of such requests, or by any other deadline specified in writing.

- h. Within 1,110 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

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 Enforcement Division 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

3/30/2023

Date

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

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

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

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


Signature

10/26/2022
Date

Curtis Gilbert
Name (Printed or typed)
Authorized Representative of
City of Overton

Mayor
Title

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

1200 S Commerce St.
Overton, TX 75684

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