

Executive Summary – Enforcement Matter – Case No. 61368

**City of Rule
RN101400836**

Docket No. 2021-1266-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

MLM – PWS, WR

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Rule Water System, 401 Gladstone Avenue, Rule, Haskell 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 27, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,610

Total Paid to General Revenue: \$2,610

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$218

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 30, 2021

Date(s) of NOE(s): August 31, 2021

Violation Information

1. Failed to calibrate the Facility's conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(2)(G)].

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2. Failed to calibrate the Facility's rate-of-flow controllers every 12 months and well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
3. Failed to 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)].
4. Failed to create a nitrification action plan for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
5. Failed to meet the maximum secondary constituent levels ("MSCLs") for iron of 0.3 milligrams per liter ("mg/L"), manganese of 0.05 mg/L, and pH of not less than 7.0 [30 TEX. ADMIN. CODE § 290.118(a) and (b)].
6. Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
7. 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)].
8. 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)].
9. Failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(D)].
10. Failed to provide containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
11. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint [30 TEX. ADMIN. CODE § 290.42(d)(13)].
12. Failed to maintain water works operations 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)(B)(x)].
13. Failed to review and update, as appropriate, the drought contingency plan at least every five years [30 TEX. ADMIN. CODE § 288.20(c)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure by reviewing and updating, as appropriate, the drought contingency plan by January 21, 2022.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Calibrate the Facility's ten conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis;

ii. Calibrate the Facility's rate-of-flow controllers and the well meter;

iii. Create a nitrification action plan;

iv. 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;

v. 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;

vi. Verify the accuracy of the analyzer used to determine the effectiveness of chloramination;

vii. Identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, including but not limited to identifying the feed lines and blend lines on the reverse osmosis unit;

viii. Compile and maintain properly completed water works operations and maintenance records, including but not limited to records of treatment effectiveness monitoring for the reverse osmosis unit; and

ix. Update the Facility's operational guidance and conduct employee training to ensure that Monochlor F reagent packets and monochloramine and free ammonia standards are currently purchased for the Hach DR300 colorimeter.

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

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City of Rule

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Docket No. 2021-1266-MLM-E

- c. Within 60 days, 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.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days, provide adequate containment facilities for the three, 55-gallon, anti-scalant stock tanks.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 135 days, submit written certification to demonstrate compliance with a.iv.
- h. Within 180 days, provide two or more wells having a total capacity of at least 0.6 gpm per connection.
- i. Within 195 days, submit written certification to demonstrate compliance with h.
- j. Within 225 days, submit written certification to demonstrate compliance with a.v.
- k. Within 1,095 days, provide water that meets the MSCLs for iron, manganese, and pH and/or receive written approval from the Executive Director to use the water source for public drinking water.
- l. Within 1,110 days, submit written certification to demonstrate compliance with k.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2571; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Delle Watkins, Mayor, City of Rule, P.O. Box 607, Rule, Texas 79547

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021			
	PCW	20-Sep-2021	Screening	20-Sep-2021	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rule
Reg. Ent. Ref. No.	RN101400836
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61368	No. of Violations	7
Docket No.	2021-1266-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$5,000

Penalty Calculation Section

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

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

Compliance History	-5.0% Adjustment	Subtotals 2, 3, & 7	-\$62
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Notes: Enhancement for one NOV with the same/similar violations. Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,600
 Estimated Cost of Compliance: \$6,858
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,188
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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	\$1,188
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,190
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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	\$1,190
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Screening Date 20-Sep-2021

Docket No. 2021-1266-MLM-E

PCW

Respondent City of Rule

Policy Revision 5 (January 28, 2021)

Case ID No. 61368

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101400836

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -5%

Screening Date 20-Sep-2021

Docket No. 2021-1266-MLM-E

PCW

Respondent City of Rule

Policy Revision 5 (January 28, 2021)

Case ID No. 61368

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101400836

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 265 connections requiring a total capacity of 159 gpm per connection. However, only 116 gpm of total capacity were provided, indicating a 27% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide adequate total capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

21 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the record review, August 30, 2021, to the date of screening, September 20, 2021.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,273

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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	\$5,000	13-Aug-2019	1-Apr-2023	3.64	\$61	\$1,212	\$1,273
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to provide a total capacity of at least 0.6 gpm per connection, 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 \$5,000

TOTAL \$1,273

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>		

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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	\$100	21-Dec-2020	1-Nov-2022	1.86	\$9	n/a	\$9
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the disinfectant residual is monitored at representative locations in the distribution system at least once per day, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$9

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	21-Dec-2020	1-Nov-2022	1.86	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the 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	\$100	21-Dec-2020	20-Sep-2021	0.75	\$4	\$100	\$104
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance \$200

TOTAL \$113

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(D)
Violation Description Failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days. Specifically, no records were available to show that each method of the Hach DR300 colorimeter used to monitor monochloramine and free ammonia was being calibrated at least once every 90 days, and the Monochlor F reagent packets and the monochloramine and free ammonia standards were expired.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes Failure to verify the accuracy of the analyzer used to determine the effectiveness of chloramination could result in non-detection of ineffective chloramination and could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$150

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

Estimated EB Amount \$29 **Violation Final Penalty Total** \$143

This violation Final Assessed Penalty (adjusted for limits) \$143

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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	\$253	21-Dec-2020	1-Nov-2022	1.86	\$24	n/a	\$24
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	21-Dec-2020	1-Nov-2022	1.86	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to purchase current Monochlor F reagent packets and monochloramine and free ammonia standards (\$40 for the reagent and \$213 for the standards) for the Hach DR300 colorimeter, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to properly verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days, 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	\$5	21-Dec-2020	20-Sep-2021	0.75	\$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 analyzer used to determine the effectiveness of chloramination at least once every 90 days, calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance \$263

TOTAL \$29

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)
Violation Description Failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the three, 55-gallon, anti-scalant stock tanks were not provided with containment facilities.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate containment facilities for the anti-scalant stock tanks could expose employees or the environment to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 21

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the record review, August 30, 2021, to the date of screening, September 20, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$107 **Violation Final Penalty Total** \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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)	\$750	21-Dec-2020	1-Jan-2023	2.03	\$5	\$102	\$107
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide adequate containment facilities for the anti-scalant tanks (\$250 per tank x three tanks), calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$750

TOTAL \$107

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(13)
Violation Description Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint. Specifically, the feed lines and blend lines were not labeled on the reverse osmosis unit.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to identify the feed and blend lines could expose customers served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the record review, August 30, 2021, to the date of screening, September 20, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$65 **Violation Final Penalty Total** \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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)	\$500	21-Dec-2020	1-Nov-2022	1.86	\$3	\$62	\$65
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 identify the feed and blend lines, 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

\$65

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(x)
Violation Description Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of treatment effectiveness monitoring for the reverse osmosis unit were not being recorded on a daily basis.

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 1.0%
Matrix Notes	Less than 30% of the rule requirements were not being met.				

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 21 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 \$4 **Violation Final Penalty Total** \$48

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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
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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	21-Dec-2020	1-Nov-2022	1.86	\$4	n/a	\$4
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 \$4



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021	Screening	20-Sep-2021	EPA Due	
	PCW	20-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rule
Reg. Ent. Ref. No.	RN101400836
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61368	No. of Violations	5
Docket No.	2021-1266-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$820
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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	-5.0%	Adjustment	Subtotals 2, 3, & 7	-\$41
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Notes: Enhancement for one NOV with the same/similar violations. Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6,937
 Estimated Cost of Compliance: \$15,473
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$779
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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	\$779
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$995
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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	\$995
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Screening Date 20-Sep-2021

Docket No. 2021-1266-MLM-E

PCW

Respondent City of Rule

Policy Revision 5 (January 28, 2021)

Case ID No. 61368

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101400836

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -5%

Screening Date 20-Sep-2021

Docket No. 2021-1266-MLM-E

PCW

Respondent City of Rule

Policy Revision 5 (January 28, 2021)

Case ID No. 61368

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101400836

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(G)

Violation Description

Failed to calibrate the Facility's conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis at least once every 12 months. Specifically, the Facility's six pressure instruments and the four conductivity monitoring devices used for reverse osmosis had not been calibrated in the last 12 months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to calibrate equipment used for water treatment could cause persons served by the Facility to be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 10 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Ten single events are recommended, one for each device.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,594

Violation Final Penalty Total \$475

This violation Final Assessed Penalty (adjusted for limits) \$500

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	12-Jan-2018	1-Nov-2022	4.81	\$601	n/a	\$601
Notes for DELAYED costs	The delayed cost includes the estimated amount to calibrate the Facility's conductivity (or total dissolved solids) monitors and pressure instruments at least once every 12 months (\$250 per device x ten devices), 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	\$2,500	12-Jan-2018	20-Sep-2021	3.69	\$493	\$2,500	\$2,993
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to calibrate the Facility's conductivity (or total dissolved solids) monitors and pressure instruments at least once every 12 months (\$250 per device x ten devices), calculated from the date of the investigation initially documenting the violation to the date of screening.						

Approx. Cost of Compliance \$5,000

TOTAL \$3,594

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$124	12-Jan-2018	1-Nov-2022	4.81	\$30	n/a	\$30
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's rate-of-flow controllers and well meter ((\$31 per controller x three flow controllers) + (\$31 per well meter x one well meter)), 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	\$124	12-Jan-2018	20-Sep-2021	3.69	\$24	\$124	\$148
ONE-TIME avoided costs				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the Facility's rate-of-flow controllers and well meter ((\$31 per controller x three flow controllers) + (\$31 per well meter x one well meter)), calculated from the date of the investigation initially documenting the violation to the date of screening.

Approx. Cost of Compliance

\$248

TOTAL

\$178

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description
 Failed to 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. Specifically, the monitoring plan did not include analytical procedures and laboratories related to compliance of the reverse osmosis unit and chloramine effectiveness sampling.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

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

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

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 \$10

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$10

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	12-Jan-2018	1-Dec-2022	4.89	\$11	n/a	\$11

Notes for DELAYED costs

The delayed cost includes the estimated amount to update and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$11

Screening Date 20-Sep-2021 **Docket No.** 2021-1266-MLM-E **PCW**
Respondent City of Rule *Policy Revision 5 (January 28, 2021)*
Case ID No. 61368 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101400836
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(z)
Violation Description Failed to create a nitrification action plan for all systems distributing chloraminated water.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 \$100

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

Estimated EB Amount \$43 **Violation Final Penalty Total** \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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-Jan-2018	1-Nov-2022	4.81	\$43	n/a	\$43

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$43

Screening Date	20-Sep-2021	Docket No.	2021-1266-MLM-E	PCW
Respondent	City of Rule	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61368	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101400836			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.118(a) and (b)			
Violation Description	Failed to meet the maximum secondary constituent levels ("MSCLs") for iron of 0.3 milligrams per liter ("mg/L"), manganese of 0.05 mg/L, and pH of not less than 7.0. Specifically, iron, manganese, and pH in samples collected from the distribution system on August 13, 2019, measured 2.86 mg/L, 0.518 mg/L, and 6.99, respectively.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to comply with the MSCLs for iron, manganese, and pH could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.					
Adjustment					\$970

Violation Events

Number of Violation Events	3	Number of violation days	21	Violation Base Penalty	\$90
daily					
weekly					
monthly					
quarterly					
semiannual					
annual					
single event		x			

Three single events are recommended, one for each MSCL.

Good Faith Efforts to Comply Reduction \$0

	0.0%	
	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 \$90

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

Estimated EB Amount	\$3,111	Violation Final Penalty Total	\$86
This violation Final Assessed Penalty (adjusted for limits)		\$150	

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
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				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	13-Aug-2019	31-Oct-2025	6.22	\$3,111	n/a	\$3,111

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to provide water that meets the MSCLs for iron, manganese, and pH and/or obtain written approval from the Executive Director to use the water sources for public drinking water, 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

\$3,111



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021	Screening	20-Sep-2021	EPA Due	
	PCW	20-Sep-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rule
Reg. Ent. Ref. No.	RN101400836
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61368	No. of Violations	1
Docket No.	2021-1266-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	-5.0% Adjustment	Subtotals 2, 3, & 7	-\$25
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Notes: Enhancement for one NOV with the same/similar violations. Reduction for High performer classification.

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	-\$50
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$3
 Estimated Cost of Compliance: \$50
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$425
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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	\$425
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$425
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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	\$425
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Screening Date 20-Sep-2021

Docket No. 2021-1266-MLM-E

PCW

Respondent City of Rule

Policy Revision 5 (January 28, 2021)

Case ID No. 61368

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101400836

Media Water Rights

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations. Reduction for High performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -5%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -5%

Screening Date 20-Sep-2021
Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
Media Water Rights
Enf. Coordinator Ryan Byer

Docket No. 2021-1266-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 288.20(c)

Violation Description

Failed to review and update, as appropriate, the drought contingency plan at least every five years.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

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

Notes The Respondent achieved compliance on January 21, 2022.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Rule
Case ID No. 61368
Reg. Ent. Reference No. RN101400836
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	21-Dec-2020	21-Jan-2022	1.08	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to review the drought contingency plan and update it as needed, calculated from the date of the investigation initially documenting the violation 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

\$50

TOTAL

\$3



Compliance History Report

Compliance History Report for CN600737704, RN101400836, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600737704, City of Rule	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN101400836, CITY OF RULE WATER SYSTEM	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	401 GLADSTONE AVENUE IN RULE, HASKELL COUNTY, TEXAS				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1040003				

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	February 24, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 24, 2017 to February 24, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer			Phone:	(512) 239-2571

Site and Owner/Operator History:

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

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

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A

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

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:	02/26/2021	(1703051)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(G)			
	Description:	Failure to calibrate the conductivity (or total dissolved solids) monitors and pressure instruments at least once every 12 months.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)			
	Description:	Failure to calibrate the well meter and flow-measuring devices on the reverse osmosis unit.			
	Self Report?	NO		Classification:	Minor

Citation:	30 TAC Chapter 290, SubChapter F 290.121(b)(5)		
Description:	Failure to include analytical procedures related to compliance and maintenance of the reverse osmosis unit and preventative nitrification testing (related to the nitrification action plan) in the monitoring plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(z)		
Description:	Failure to have a nitrification action plan.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.118(a) 30 TAC Chapter 290, SubChapter F 290.118(b)		
Description:	Failure to meet the secondary constituent levels for aluminum, iron, manganese, and pH.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(a)(6) 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)		
Description:	Failure to provide a total capacity of 0.6 GPM per connection.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to maintain the general appearance of the well pump on well No. 2 at the Rule PS.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	Failure to complete customer service inspections (CSIs) at locations where potential contamination hazards may be present.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(4) 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)		
Description:	Failure to monitor the chlorine residual in distribution daily.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(i) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(ii) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(iii) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(i) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(ii) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iii) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(iv) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)(v) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i) 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(ii)		
Description:	Failure to perform chloramine effectiveness sampling at all required locations and at the required frequency.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 288, SubChapter B 288.20(c)		
Description:	Failure to update the Drought Contingency Plan (DCP) every five years.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) 30 TAC Chapter 290, SubChapter F 290.110(d)(1)		
Description:	Failure to verify the accuracy the disinfectant residual analyzer used for compliance at least once every 90 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv) 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(D)		
Description:	Failure to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii) 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)		
Description:	Failure to provide adequate containment for all liquid chemical storage tanks.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(b)(9) 30 TAC Chapter 290, SubChapter D 290.42(b)(9)(F) 30 TAC Chapter 290, SubChapter D 290.42(d)(13)		

Description: Failure to provide pipe identification at the RO unit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(x)
Description: Failure to monitor the conductivity (or total dissolved solids) of the feed and permeate water daily.

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 RULE
RN101400836**

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

AGREED ORDER DOCKET NO. 2021-1266-MLM-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Rule (the "Respondent") under the authority of TEX. WATER CODE ch. 11 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 401 Gladstone Avenue in Rule, Haskell County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 265 service connections, and serves at least 25 people per day for at least 60 days per year. As such the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(51).
2. During a record review conducted on August 30, 2021, an investigator documented that:
 - a. The Facility's six pressure instruments and the four conductivity monitoring devices used for reverse osmosis had not been calibrated in the last 12 months.
 - b. The rate-of-flow controllers for the feed, permeate, and concentrate water lines on the reverse osmosis unit had not been calibrated every 12 months and the well meter for Well G1040003B had not been calibrated in the last three years.

- c. The monitoring plan did not include analytical procedures and laboratories related to compliance of the reverse osmosis unit and chloramine effectiveness sampling.
 - d. The Respondent did not create a nitrification action plan for all systems distributing chloraminated water.
 - e. Iron, manganese, and pH in samples collected from the distribution system on August 13, 2019, measured 2.86 milligrams per liter ("mg/L"), 0.518 mg/L, and 6.99, respectively.
 - f. The Facility had 265 connections requiring a total capacity of 159 gallons per minute ("gpm") per connection. However, only 116 gpm of total capacity were provided, indicating a 27% deficiency.
 - g. The Respondent was monitoring the disinfectant residual from the entry point, which is not considered to be in the distribution system.
 - h. The Respondent did not conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.
 - i. No records were available to show that each method of the Hach DR300 colorimeter used to monitor monochloramine and free ammonia was being calibrated at least once every 90 days, and the Monochlor F reagent packets and the monochloramine and free ammonia standards were expired.
 - j. The three, 55-gallon, anti-scalant stock tanks were not provided with containment facilities.
 - k. The feed lines and blend lines were not labeled on the reverse osmosis unit.
 - l. Records of treatment effectiveness monitoring for the reverse osmosis unit were not being recorded on a daily basis.
 - m. The Respondent did not review and update, as appropriate, the drought contingency plan at least every five years.
3. The Executive Director recognizes that the Respondent implemented a corrective measure at the Facility by reviewing and updating, as appropriate, the drought contingency plan by January 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. WATER CODE ch. 11, 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 calibrate the Facility's conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(G).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to calibrate the Facility's rate-of-flow controllers every 12 months and well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to 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).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to create a nitrification action plan for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to meet the maximum secondary constituent levels ("MSCLs") for iron of 0.3 mg/L, manganese of 0.05 mg/L, and pH of not less than 7.0, in violation of 30 TEX. ADMIN. CODE § 290.118(a) and (b).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to provide two or more wells having a total capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
8. As evidenced by Finding of Fact No. 2.g, 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).
9. As evidenced by Finding of Fact No. 2.h, 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).
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(D).

11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to provide containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13).
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to maintain water works operations 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)(B)(x).
14. As evidenced by Finding of Fact No. 2.m, the Respondent failed to review and update, as appropriate, the drought contingency plan at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c).
15. Pursuant to TEX. WATER CODE § 11.0842(a) and 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.
16. An administrative penalty in the amount of \$2,610 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 11.0842(c) and TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$2,610 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. 16 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 Rule, Docket No. 2021-1266-MLM-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:
 - i. Calibrate the Facility's ten conductivity (or total dissolved solids) monitors and pressure instruments used for reverse osmosis, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Calibrate the Facility's rate-of-flow controllers and the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Create a nitrification action plan, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. 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;
 - v. 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;
 - vi. Verify the accuracy of the analyzer used to determine the effectiveness of chloramination, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - vii. Identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, including but not limited to identifying the feed lines and blend lines on the reverse osmosis unit, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - viii. Compile and maintain properly completed water works operations and maintenance records, including but not limited to records of treatment effectiveness monitoring for the reverse osmosis unit, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ix. Update the Facility's operational guidance and conduct employee training to ensure that Monochlor F reagent packets and monochloramine and free ammonia standards are currently purchased for the Hach DR300 colorimeter, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.1 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 and 2.a.vi through 2.a.ix.

- c. Within 60 days after the effective date of this Order, 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 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.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 90 days after the effective date of this Order, provide adequate containment facilities for the three, 55-gallon, anti-scalant stock tanks, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.l 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.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.iv.
- h. Within 180 days after the effective date of this Order, provide two or more wells having a total capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- i. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 225 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.l below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.v.
- k. Within 1,095 days after the effective date of this Order, provide water that meets the MSCLs for iron, manganese, and pH and/or receive 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

1. 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.k. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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

10/24/2022

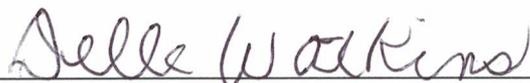
Date

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.

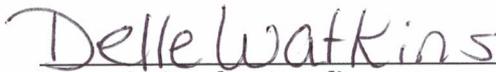
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10.6.2022

Date



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

Mayor

Title

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

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