

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Aspermont PWS, 411 South Broadway, Aspermont, Stonewall 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: February 9, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,980

Amount Deferred for Expedited Settlement: \$2,596

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$10,384

Name of SEP: PWS Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 9, 2021

Date(s) of NOE(s): January 20, 2022

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

Violation Information

1. Failed to create a nitrification action plan for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
2. Failed to maintain water works operations and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of liquid ammonium sulfate ("LAS") used each day at the Rule and Aspermont Pump Stations were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II)].
3. Failed to flush all dead-end mains at monthly intervals. Specifically, only three of approximately 28 dead-end mains were being flushed monthly [30 TEX. ADMIN. CODE § 290.46(l)].
4. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements corrections, or additions to the private water distribution facilities. Specifically, no CSIs were conducted at Gibson Healthcare Center, Aspermont Elementary, Middle, and High Schools, and the Rain Tree RV Park [30 TEX. ADMIN. CODE § 290.46(j)].
5. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications. Specifically, BPAs at the following locations had not been tested within the last year: Dairy Queen, Stonewall Memorial Hospital, the bulk water filling station on Tower Lane, Burger Barn, Moore Quality Car Care, Twice the Ice, Allsup's Convenience Store, and Hickman's Restaurant [30 TEX. ADMIN. CODE § 290.44(h)(4)].
6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the disinfectant residual monitoring was being conducted five to six days out of each month at the entry point [30 TEX. ADMIN. CODE § 290.110(c)(4)(C)].
7. 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)].
8. Failed to calibrate the Facility's four well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

10. 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)].

11. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the Aspermont Pump Station building was not kept locked and no key or lock was available for the pump building [30 TEX. ADMIN. CODE § 290.43(e)].

12. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the barbed wire on the fence at the elevated storage tank ("EST") was loose and in need of repair, the screen in the overflow of the EST had significant rust providing an obstruction for the flow of water, and the screen in the overflow at the West Aspermont ground storage tank ("GST") needed to be replaced [30 TEX. ADMIN. CODE § 290.46(m)].

13. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommission, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).

14. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, the blow-off lines for Well B and Well D did not terminate in a downward direction [30 TEX. ADMIN. CODE § 290.41(c)(3)(L)].

15. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, Well D used a filter on the well casing vent instead of 16-mesh or finer corrosion-resistant screen [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

16. Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent. Specifically, the blow-off lines on Well B and Well D did not have 16-mesh or finer corrosion-resistant screening material [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].

17. Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, the well houses for Well A and Well C were not kept locked or provided with a lock [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

18. Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the gap between the covers on the overflows of the East Aspermont GST and West Aspermont GST was greater than 1/16 inch [30 TEX. ADMIN. CODE § 290.43(c)(3)].

19. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, the floor level vent was closed for the gas chlorine room at the East Aspermont GST facility [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].

20. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, there was a leak on the purchase waterline going into the GST at the Rule Pump Station [30 TEX. ADMIN. CODE § 290.46(m)(4)].

21. Failed to design the Aspermont LAS day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping [30 TEX. ADMIN. CODE § 290.42(f)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By March 21, 2022, provided a lock for the Aspermont Pump Station building;
- b. By March 21, 2022, repaired the loose barbed wire on the fence at the EST and removed the screens in the overflow of the EST and West Aspermont GST;
- c. By March 21, 2022, provided locks for the well houses of Wells A and C;
- d. By March 21, 2022, provided an overflow pipe at the East and West Aspermont GSTs that fits tightly with no gap over 1/16 inch in accordance with American Water Works Association standards;
- e. By March 21, 2022, opened the floor level vent for the gas chlorine room at the East Aspermont GST;
- f. By March 21, 2022, repaired the leak on the purchase waterline going into the GST at the Rule Pump Station;

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

g. By April 1, 2022, addressed the design of the Aspermont LAS day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping and cleaned the spillage of LAS on the LAS pump and on the floor at the LAS day tank room;

h. By April 12, 2022, began monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day;

i. By April 25, 2022, calibrated the Facility's four well meters;

j. By May 2, 2022, provided Wells B and D each with a blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters;

k. By May 2, 2022, provided Well D with a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen;

l. By May 2, 2022, covered Wells B and D blow-off lines with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent;

m. By May 9, 2022, provided documentation that BPAs at Dairy Queen, Stonewall Memorial Hospital, the bulk water filling station on Tower Lane, Burger Barn, Moore Quality Car Care, Twice the Ice, Allsup's Convenience Store, and Hickman's Restaurant had been tested;

n. By August 22, 2022, provided documentation that CSIs were conducted at Gibson Healthcare Center, Aspermont Elementary, Middle, and High Schools, and the Rain Tree RV Park;

o. By May 16, 2023, began flushing all dead-end mains at monthly intervals;

p. By May 16, 2023, verified the accuracy of the manual disinfectant analyzer using chlorine solutions of known concentrations;

q. By May 16, 2023, verified the accuracy of the analyzer used to determine the effectiveness of chloramination;

r. By May 24, 2023, provided records of the amount of LAS used each day at the Rule and Aspermont Pump Stations; and

s. By May 30, 2023, began maintaining accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.

Executive Summary – Enforcement Matter – Case No. 61830

City of Aspermont

RN101403764

Docket No. 2022-0122-PWS-E

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days:

i. Create a nitrification action plan; and

ii. 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.

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

c. Within 225 days, submit written certification to demonstrate compliance with a.ii.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6991; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

Respondent: The Honorable Steven Ellis, Mayor, City of Aspermont, P.O. Box 277, Aspermont, Texas 79502

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jan-2022	Screening	24-Jan-2022	EPA Due	
	PCW	25-Jan-2022				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Aspermont (PCW No. 1 of 2)		
Reg. Ent. Ref. No.	RN101403764		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	61830	No. of Violations	20
Docket No.	2022-0122-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$14,150
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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	0.0% Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	-\$1,270
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$491	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$4,597	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,880
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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	\$12,880
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,880
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,576
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,304
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Screening Date 24-Jan-2022

Docket No. 2022-0122-PWS-E

PCW

Respondent City of Aspermont (PCW No. 1 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61830

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101403764

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(II)

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, the records of the amount of liquid ammonium sulfate ("LAS") used each day at the Rule and Aspermont Pump Stations were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			x	1.0%

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

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$50

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

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	10-Dec-2020	24-May-2023	2.45	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$6

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description Failed to flush all dead-end mains at monthly intervals. Specifically, only three of approximately 28 dead-end mains were being flushed monthly.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

Matrix Notes Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 46 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 investigation, December 9, 2021, to the date of screening, January 24, 2022.

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 \$12 **Violation Final Penalty Total** \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Dec-2020	16-May-2023	2.43	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a monthly flushing program, 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 \$100

TOTAL \$12

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3

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

Violation Description Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities. Specifically, no CSIs were conducted at Gibson Healthcare Center, Aspermont Elementary, Middle, and High Schools, and the Rain Tree RV Park.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to conduct a CSI may result in the non-detection of cross-connections or other potential hazards which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$150

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

Notes The Respondent achieved compliance by August 22, 2022.

Violation Subtotal \$1,350

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

Estimated EB Amount \$15 **Violation Final Penalty Total** \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
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)	\$180	10-Dec-2020	22-Aug-2022	1.70	\$15	n/a	\$15

Notes for DELAYED costs

The other delayed cost includes the estimated amount to implement a CSI program so that CSI certificates are completed prior to providing continuous water service to new construction, or any existing service when the water purveyor has reason to believe that cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, 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 \$180

TOTAL \$15

Screening Date 24-Jan-2022
Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2022-0122-PWS-E

PCW

*Policy Revision 5 (January 28, 2021)
 PCW Revision February 11, 2021*

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications. Specifically, BPAs at the following locations had not been tested within the last year: Dairy Queen, Stonewall Memorial Hospital, the bulk water filling station on Tower Lane, Burger Barn, Moore Quality Car Care, Twice the Ice, Allsup's Convenience Store, and Hickman's Restaurant.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply

10.0%

Reduction \$150

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance on May 9, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
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)	\$248	10-Dec-2020	9-May-2022	1.41	\$17	n/a	\$17

Notes for DELAYED costs

The other delayed cost includes the estimated amount to test the BPAs (\$31 x eight locations), 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

\$248

TOTAL

\$17

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the disinfectant residual monitoring was being conducted five to six days out of each month at the entry point.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 46 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 investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$25

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

Notes The Respondent achieved compliance on April 12, 2022.

Violation Subtotal \$225

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	10-Dec-2020	12-Apr-2022	1.34	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, 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 \$10

TOTAL \$1

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)

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

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes Failure to conduct chloramine effectiveness sampling could lead to nitrification in the distribution system which 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 46 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 \$121 **Violation Final Penalty Total** \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Dec-2020	1-Dec-2023	2.98	\$15	n/a	\$15
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	10-Dec-2020	24-Jan-2022	1.12	\$6	\$100	\$106
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 \$121

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 7

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

Violation Description Failed to calibrate the Facility's four well meters at least once every three years.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes Failure to calibrate the Facility's well meters could result in inaccurate or unavailable water usage and production data, resulting in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 4 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Four single events are recommended, one for each well meter.

Good Faith Efforts to Comply 10.0% Reduction \$100

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

Notes The Respondent achieved compliance on April 25, 2022.

Violation Subtotal \$900

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$124	10-Dec-2020	25-Apr-2022	1.37	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly calibrate the Facility's well meters (\$31 per well meter x four well meters), 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 \$124

TOTAL \$9

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8

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

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

Base Penalty \$5,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent
					0.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$250

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	10-Dec-2020	16-May-2023	2.43	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, 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 \$5

TOTAL \$1

Screening Date 24-Jan-2022

Docket No. 2022-0122-PWS-E

PCW

Respondent City of Aspermont (PCW No. 1 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61830

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101403764

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

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.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to verify the accuracy of the 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 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 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	10-Dec-2020	16-May-2023	2.43	\$1	n/a	\$1

Notes for DELAYED costs

The 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 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

TOTAL \$1

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10

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

Violation Description Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the Aspermont Pump Station building was not kept locked and no key or lock was available for the pump building.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes Failure to have a lock on the pump station could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 46 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 investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$25

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

Notes The Respondent achieved compliance on March 21, 2022.

Violation Subtotal \$225

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

Estimated EB Amount \$10 **Violation Final Penalty Total** \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	10-Dec-2020	21-Mar-2022	1.28	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide locks for the pump station, 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 \$150

TOTAL \$10

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11

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

Violation Description
 Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the barbed wire on the fence at the elevated storage tank ("EST") was loose and in need of repair, the screen in the overflow of the EST had significant rust providing an obstruction for the flow of water, and the screen in the overflow at the West Aspermont ground storage tank ("GST") needed to be replaced.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended (one event per location), calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$50

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

Notes
 The Respondent achieved compliance by March 21, 2022.

Violation Subtotal \$450

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

Estimated EB Amount \$67 **Violation Final Penalty Total** \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$750	10-Dec-2020	21-Mar-2022	1.28	\$3	\$64	\$67
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the the loose barbed wire on the fence at the EST, the screen in the overflow of the EST, and the screen in the overflow at the west Aspermont GST, 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 \$750

TOTAL \$67

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 12

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

Violation Description Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.

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 10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

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

Estimated EB Amount \$22 **Violation Final Penalty Total** \$500

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

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$180	10-Dec-2020	30-May-2023	2.47	\$22	n/a	\$22
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 at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, 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 \$180

TOTAL \$22

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(L)

Violation Description Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters. Specifically, the blow-off lines for Well B and Well D did not terminate in a downward direction.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to provide a blow-off line that terminates in a downward direction may allow for the introduction of an insignificant amount of contaminants to the drinking water supply which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Two single events are recommended, one for each well.

Good Faith Efforts to Comply 10.0% Reduction \$30

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

Notes The Respondent achieved compliance on May 2, 2022.

Violation Subtotal \$270

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$270

This violation Final Assessed Penalty (adjusted for limits) \$270

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	10-Dec-2020	2-May-2022	1.39	\$0	\$9	\$9
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 install a well blow-off line that terminates in a downward direction (\$50 per blow-off line x two wells), 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 \$100

TOTAL \$9

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 14

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, Well D used a filter on the well casing vent instead of 16-mesh or finer corrosion-resistant screen.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to properly seal the well casing vent with 16-mesh or finer corrosion-resistant screen 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 46 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 10.0% Reduction \$15

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

Notes The Respondent achieved compliance on May 2, 2022.

Violation Subtotal \$135

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$135

This violation Final Assessed Penalty (adjusted for limits) \$135

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	10-Dec-2020	2-May-2022	1.39	\$0	\$9	\$9
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly seal the well casing vent at Well D with 16-mesh or finer corrosion-resistant screen, 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 \$100

TOTAL \$9

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(Q)

Violation Description
 Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent. Specifically, the blow-off lines on Well B and Well D did not have 16-mesh or finer corrosion-resistant screening material.

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 properly screen the openings of the air-release devices with 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent could result in the introduction of a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended, one for each well, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$50

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

Notes The Respondent achieved compliance on May 2, 2022.

Violation Subtotal \$450

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	10-Dec-2020	2-May-2022	1.39	\$0	\$9	\$9
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly screen the openings of the air-release devices with 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent (\$50 per well x two wells), 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 \$100

TOTAL \$9

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 16

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description
 Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, the well houses for Well A and Well C were not kept locked or provided with a lock.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$150

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

Notes
 The Respondent achieved compliance on March 21, 2022.

Violation Subtotal \$1,350

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

Estimated EB Amount \$18 **Violation Final Penalty Total** \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	10-Dec-2020	21-Mar-2022	1.28	\$1	\$17	\$18
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 locks for the well houses at Wells A and C (\$100 per well x two wells), 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 \$200

TOTAL \$18

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 17

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

Violation Description Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch. Specifically, the gap between the covers on the overflows of the East Aspermont GST and West Aspermont GST was greater than 1/16 inch.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended, one for each tank, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$50

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

Notes The Respondent achieved compliance on March 21, 2022.

Violation Subtotal \$450

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

Estimated EB Amount \$45 **Violation Final Penalty Total** \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	10-Dec-2020	21-Mar-2022	1.28	\$2	\$43	\$45
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an overflow pipe at the East and West Aspermont GSTs that fits tightly with no gap over 1/16 inch in accordance with AWWA standards (\$250 per tank x two tanks), 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 \$500

TOTAL \$45

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 18

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

Violation Description Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed. Specifically, the floor level vent was closed for the gas chlorine room at the East Aspermont GST facility.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 46 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$150

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

Notes The Respondent achieved compliance by March 21, 2022.

Violation Subtotal \$1,350

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

Estimated EB Amount \$9 **Violation Final Penalty Total** \$1,350

This violation Final Assessed Penalty (adjusted for limits) \$1,350

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	10-Dec-2020	21-Mar-2022	1.28	\$0	\$9	\$9
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an open floor level screened vent for the gas chlorine room at the East Aspermont GST facility, 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 \$100

TOTAL \$9

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 19

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description
 Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, there was a leak on the purchase waterline going into the GST at the Rule Pump Station.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes
 Failure to maintain the purchase waterline going into the GST in watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 46 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 investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$25

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

Notes
 The Respondent achieved compliance on March 21, 2022.

Violation Subtotal \$225

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

Estimated EB Amount \$45 **Violation Final Penalty Total** \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 19

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	10-Dec-2020	21-Mar-2022	1.28	\$2	\$43	\$45
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leak in the purchase waterline going into the GST at the Rule Pump Station, 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 \$500

TOTAL \$45

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 20

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

Violation Description Failed to design the Aspermont LAS day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to minimize the possibility and impact of accidental spills could expose employees to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 46 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four monthly events are recommended (two events per facility), calculated from the date of the investigation, December 9, 2021, to the date of screening, January 24, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$300

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

Notes The Respondent achieved compliance on April 1, 2022.

Violation Subtotal \$2,700

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$65 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 1 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 20

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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	\$1,000	10-Dec-2020	1-Apr-2022	1.31	\$65	n/a	\$65
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The remediation/disposal delayed cost includes the estimated amount to address the design of the Aspermont LAS day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping and clean the spillage of LAS on the LAS pump and on the floor at the LAS day tank room, 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 \$1,000

TOTAL \$65



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	24-Jan-2022	Screening	24-Jan-2022	EPA Due	
	PCW	24-Jan-2022				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Aspermont (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101403764				
Facility/Site Region	3-Abilene	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	61830	No. of Violations	1
Docket No.	2022-0122-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	\$54
Estimated Cost of Compliance	\$180

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$100
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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 \$100

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$100
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DEFERRAL	20.0%	Reduction	Adjustment	-\$20
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$80
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Screening Date 24-Jan-2022

Docket No. 2022-0122-PWS-E

PCW

Respondent City of Aspermont (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61830

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101403764

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 24-Jan-2022 **Docket No.** 2022-0122-PWS-E **PCW**
Respondent City of Aspermont (PCW No. 2 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 61830 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 46 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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$100

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

Estimated EB Amount \$54 **Violation Final Penalty Total** \$100

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

Economic Benefit Worksheet

Respondent City of Aspermont (PCW No. 2 of 2)
Case ID No. 61830
Reg. Ent. Reference No. RN101403764
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	15-Dec-2017	1-Dec-2023	5.96	\$54	n/a	\$54

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 \$54



Compliance History Report

Compliance History Report for CN600737423, RN101403764, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600737423, City of Aspermont	Classification:	SATISFACTORY	Rating:	3.00
Regulated Entity:	RN101403764, CITY OF ASPERMONT	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	LOCATED AT 411 SOUTH BROADWAY, ASPERMONT, STONEWALL COUNTY, TEXAS				
TCEQ Region:	REGION 03 - ABILENE				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2170001				
Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	April 13, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 13, 2018 to April 13, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	EPIFANIO VILLARREAL			Phone:	(361) 881-6991

Site and Owner/Operator History:

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

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

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

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 ASPERMONT
RN101403764**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2022-0122-PWS-E**

I. JURISDICTION AND STIPULATIONS

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 Aspermont (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 411 South Broadway in Aspermont, Stonewall County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 786 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$12,980 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,596 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$10,384 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
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 or conditions in this Order.
7. 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.
8. 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By March 21, 2022, provided a lock for the Aspermont Pump Station building;
 - b. By March 21, 2022, repaired the loose barbed wire on the fence at the elevated storage tank ("EST") and removed the screens in the overflow of the EST and West Aspermont ground storage tank ("GST");
 - c. By March 21, 2022, provided locks for the well houses of Wells A and C;
 - d. By March 21, 2022, provided an overflow pipe at the East and West Aspermont GSTs that fits tightly with no gap over 1/16 inch in accordance with American Water Works Association ("AWWA") standards;
 - e. By March 21, 2022, opened the floor level vent for the gas chlorine room at the East Aspermont GST;
 - f. By March 21, 2022, repaired the leak on the purchase waterline going into the GST at the Rule Pump Station;

- g. By April 1, 2022, addressed the design of the Aspermont liquid ammonium sulfate ("LAS") day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping and cleaned the spillage of LAS on the LAS pump and on the floor at the LAS day tank room;
- h. By April 12, 2022, began monitoring the disinfectant residual at representative locations throughout the distribution system at least once per day;
- i. By April 25, 2022, calibrated the Facility's four well meters;
- j. By May 2, 2022, provided Wells B and D each with a blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters;
- k. By May 2, 2022, provided Well D with a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen;
- l. By May 2, 2022, covered Wells B and D blow-off lines with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent;
- m. By May 9, 2022, provided documentation that backflow prevention assemblies ("BPAs") at Dairy Queen, Stonewall Memorial Hospital, the bulk water filling station on Tower Lane, Burger Barn, Moore Quality Car Care, Twice the Ice, Allsup's Convenience Store, and Hickman's Restaurant had been tested;
- n. By August 22, 2022, provided documentation that Customer Service Inspections ("CSIs") were conducted at Gibson Healthcare Center, Aspermont Elementary, Middle, and High Schools, and the Rain Tree RV Park;
- o. By May 16, 2023, began flushing all dead-end mains at monthly intervals;
- p. By May 16, 2023, verified the accuracy of the manual disinfectant analyzer using chlorine solutions of known concentrations;
- q. By May 16, 2023, verified the accuracy of the analyzer used to determine the effectiveness of chloramination;
- r. By May 24, 2023, provided records of the amount of LAS used each day at the Rule and Aspermont Pump Stations; and
- s. By May 30, 2023, began maintaining accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank.

II. ALLEGATIONS

During an investigation at the Facility conducted on December 9, 2021, an investigator documented that the Respondent:

1. Failed to create a nitrification action plan for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
2. 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)(3)(A)(i)(II). Specifically, the records of the amount of LAS used each day at the Rule and Aspermont Pump Stations were not maintained on-site for review.
3. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l). Specifically, only three of approximately 28 dead-end mains were being flushed monthly.
4. Failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements corrections, or additions to the private water distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.46(j). Specifically, no CSIs were conducted at Gibson Healthcare Center, Aspermont Elementary, Middle, and High Schools, and the Rain Tree RV Park.
5. Failed to have all BPAs tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, BPAs at the following locations had not been tested within the last year: Dairy Queen, Stonewall Memorial Hospital, the bulk water filling station on Tower Lane, Burger Barn, Moore Quality Car Care, Twice the Ice, Allsup's Convenience Store, and Hickman's Restaurant.
6. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(C). Specifically, the disinfectant residual monitoring was being conducted five to six days out of each month at the entry point.
7. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5).
8. Failed to calibrate the Facility's four well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
10. 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. Failed to ensure that all potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed

- by an intruder-resistant fence with lockable gates, in violation of 30 TEX. ADMIN. CODE § 290.43(e). Specifically, the Aspermont Pump Station building was not kept locked and no key or lock was available for the pump building.
12. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, the barbed wire on the fence at the EST was loose and in need of repair, the screen in the overflow of the EST had significant rust providing an obstruction for the flow of water, and the screen in the overflow at the West Aspermont GST needed to be replaced.
 13. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommission, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
 14. Failed to provide a well blow-off line that terminates in a downward direction and at a point which will not be submerged by flood waters, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(L). Specifically, the blow-off lines for Well B and Well D did not terminate in a downward direction.
 15. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K). Specifically, Well D used a filter on the well casing vent instead of 16-mesh or finer corrosion-resistant screen.
 16. Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(Q). Specifically, the blow-off lines on Well B and Well D did not have 16-mesh or finer corrosion-resistant screening material.
 17. Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked and ventilated well house to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O). Specifically, the well houses for Well A and Well C were not kept locked or provided with a lock.
 18. Failed to maintain the Facility's storage tanks in strict accordance with current AWWA standards with an overflow pipe that terminates downward with a gravity-hinged and weighted cover tightly fitted with no gap over 1/16 inch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3). Specifically, the gap between the covers on the overflows of the East Aspermont GST and West Aspermont GST was greater than 1/16 inch.
 19. Failed to provide adequate ventilation which includes high level and floor level screened vents for all enclosures in which chlorine gas is being stored or fed, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C). Specifically, the floor level vent was closed for the gas chlorine room at the East Aspermont GST facility.

20. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, there was a leak on the purchase waterline going into the GST at the Rule Pump Station.
21. Failed to design the Aspermont LAS day tank facility and the containment for the LAS day tank at the Rule pump station to ensure a reliable supply of chemicals to the feeders, minimize the possibility and impact of accidental spills, and facilitate good housekeeping, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Aspermont, Docket No. 2022-0122-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$10,384 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Create a nitrification action plan, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. 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.

- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.c below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.i.
- c. Within 225 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.ii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination

of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

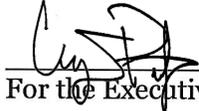
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. 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



2/22/2024

For the Executive Director

Date

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

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

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

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

Signature

Date

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

Title

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

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

Attachment A

Docket Number: 2022-0122-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Aspermont
Penalty Amount:	\$10,384
SEP Offset Amount:	\$10,384
Type of SEP:	Compliance
Project Name:	<i>PWS Improvements</i>
Location of SEP:	Stonewall County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

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

1. Project Description

A. Project

Respondent hired a contractor to purchase and install a two-piece flanged meter, a motor with Goulds pump, and a signal radio system at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for a two-piece flanged meter, 50 HP motor with Goulds pump, and upgrades and repairs to the signal radio system for the pump and chemical feed system (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

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

C. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Total
Two-Piece Flanged Meter	\$2,278.23
50 HP Motor with Goulds Pump	\$6,452.52
Signal Radio Repairs and Upgrades	\$3,829.04
Total	\$12,559.79

2. Records

As of August 22, 2023, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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