

Executive Summary – Enforcement Matter – Case No. 62100

City of Nacogdoches

RN101264778

Docket No. 2022-0306-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 Nacogdoches PWS, 202 East Pilar Street, Nacogdoches, Nacogdoches County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$100,035

Amount Deferred for Expedited Settlement: \$20,006

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$80,029

Name of SEP: Well Plugging (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$39

Applicable Penalty Policy: September 2002 and January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 8, 2021 through January 10, 2022

Date(s) of NOE(s): March 11, 2022

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Violation Information

1. Failed to plug an abandoned public water supply well with cement or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well Nos. 5 and 10 had not been tested or plugged [30 TEX. ADMIN. CODE § 290.46(u)].
2. 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 access ladder for the Austin elevated storage tank ("EST") was warped [30 TEX. ADMIN. CODE § 290.46(m)].
3. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, Filter No. 7 at the surface water treatment plant ("SWTP") was out of service [30 TEX. ADMIN. CODE § 290.46(m)(6)].
4. Failed to provide an air gap for the filter-to-waste connection. Specifically, the filter-to-waste connection at the SWTP's backwash reclaim tank did not have an air gap [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].
5. Failed to provide the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Low Pressure Plane had 9,561 connections requiring an elevated storage capacity of 0.9561 million-gallon ("MG"). However, only 0.75 MG were provided, indicating a 22% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the SWTP, there was significant rust on the seams, downward pipes, 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10. Additionally, there was significant rust on the air vent to the junction box, and the rake motor for the sludge tank was leaking oil [30 TEX. ADMIN. CODE § 290.46(m)].
7. 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 backwash valve for Filter No. 2 at the SWTP [30 TEX. ADMIN. CODE § 290.46(m)(4)].
8. Failed to calibrate the Facility's benchtop pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run [30 TEX. ADMIN. CODE § 290.46(s)(2)(A)].

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9. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the manual did not include local emergency contact phone numbers [30 TEX. ADMIN. CODE § 290.42(l)].

10. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint. Specifically, at the SWTP, the label for the powder activated carbon ("PAC") injection line at the splitter box was worn and no longer easily identifiable [30 TEX. ADMIN. CODE § 290.42(d)(13)].

11. Failed to provide all chemical bulk storage facilities and day tanks with a label that identifies the contents. Specifically, the liquid ammonium sulfate ("LAS") container at the Southwest Pump Station did not have a chemical label, the fluoride bulk storage container and the fluoride day tank at the Southside Pump Station did not have chemical labels, and the LAS double-walled tank at Well No. 14 did not have a chemical label [30 TEX. ADMIN. CODE § 290.42(f)(1)(C)].

12. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, there was a hole in the 16-mesh screen for the well casing vent for Well No. 13 [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

13. 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 gaps between the overflows and the covers were greater than 1/16 inch at the 3.0 MG GST at the Low Plant and at the Moore EST [30 TEX. ADMIN. CODE § 290.43(c)(3)].

14. 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, at the Central Heights South Plant, the floor level vents in the gas chlorination room remained closed at all times [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].

15. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Low Plant, Service Pump No. 3 was out of service [30 TEX. ADMIN. CODE § 290.46(m)].

16. Failed to provide all ground storage tanks ("GSTs") with a liquid level indicator. Specifically, the liquid level indicator for the 3.0 MG GST at the Low Plant was not connected to the tank [30 TEX. ADMIN. CODE § 290.43(c)(4)].

17. 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 Austin EST had severe rust on the overflow pipe and overflow cover,

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and there was a hole on the underside of the overflow pipe [30 TEX. ADMIN. CODE § 290.46(m)].

18. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Central Heights No. 2 North Plant, the intruder-resistant fence was loose near the GST and near the pressure tank, causing a gap between the barbed wire and the top of the fence. Additionally, there was excessive vegetation on the intruder-resistant fence, and there was a significant amount of mildew on the 0.008 MG pressure tank [30 TEX. ADMIN. CODE § 290.46(m)].

19. 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, the mechanical seals on Service Pump Nos. 3 and 5 at the Post Oak Pump Station were leaking, and a leak at the gasket for the air relief valve was documented for Well No. 14 [30 TEX. ADMIN. CODE § 290.46(m)(4)].

20. 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, at the Post Oak Pump Station, the following issues were identified: the fence was not at least six feet or greater in height along the right-front of the fence near the brick building and along the back-right side of the fence; the top strand of barbed-wire was broken and the barbed-wire separators did not face outward as a 45-degree angle along the left-back corner; there were barbed-wire separators disconnected from their vertical poles or bent at 90-degree and 180-degree angles, multiple locations with loose or tangled barbed-wire, and excessive vegetation along the back of the fence; there were barbed-wire separators not attached to the vertical bar and large gaps between the fence and barbed wire along the right-side of the fence; and there were three large holes under the fence at the front-left corner [30 TEX. ADMIN. CODE § 290.43(e)].

21. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Southside Pump Station, the fluoride chemical injector line was leaking chemical, the self-contained breathing apparatus ("SCBA") only had 10 pounds of air remaining, the 16-mesh for the vent on High Service Pump No. 1 had a hole, and the roof vent on the 3.0 MG GST contained rust [30 TEX. ADMIN. CODE § 290.46(m)].

22. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Beulah EST, the fence had a broken strand of barbed-wire along the front-left side [30 TEX. ADMIN. CODE § 290.46(m)].

23. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the Beulah EST, there was broken

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electrical wiring conduit tubing and a missing electrical face plate [30 TEX. ADMIN. CODE § 290.46(v)].

24. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at Well No. 12, there was an issue with the electrical panel that was causing a loud humming noise [30 TEX. ADMIN. CODE § 290.46(m)].

25. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Martinsville EST, there were two holes under the right-front corner of the fence directly next to and under the front gate [30 TEX. ADMIN. CODE § 290.46(m)].

26. Failed to ensure that all clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, at the Martinsville EST, there was a leak on the piping for the sample tap and feet-of-water gauge [30 TEX. ADMIN. CODE § 290.43(c)(6)].

27. 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, at the Southside Pump Station, the fence had a gap under the middle right corner; there was excessive vegetation growing along the left-back corner to middle-back; all of the barbed-wire separators were bent upward at a 180-degree angle; and the fence was not at least six feet tall along the middle-left side [30 TEX. ADMIN. CODE § 290.43(e)].

28. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at Well No. 8, the generator had a low coolant error and was not properly working [30 TEX. ADMIN. CODE § 290.46(m)].

29. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at Well No. 5, there was excessive vegetation along the right-front, right, and right-back sides of the fence, and there were barbed-wire separators that were not supported by a vertical bar and were bent at a 90-degree angle [30 TEX. ADMIN. CODE § 290.46(m)].

30. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at Well No. 14, the scales for the gas chlorine cylinders were not reading correctly and the automatic actuator was broken [30 TEX. ADMIN. CODE § 290.46(m)].

31. Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage which is readily available outside the chlorinator room and

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immediately available to the operator in the event of an emergency. Specifically, at Well No. 16, there was no small bottle of fresh ammonia solution for the gas chlorine facilities [30 TEX. ADMIN. CODE § 290.42(e)(4)(A)].

32. 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 2019, 2020, and 2021 tank inspection forms note that the roof hatch was not sealing at the Post Oak 5 MG GST, and the 2021 tank inspection form notes that the roof vent had holes and the roof hatch was rusted at the Central Heights North GST [30 TEX. ADMIN. CODE § 290.46(m)].

33. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of calibration for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, and the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iv), and (f)(3)(D)(ii)].

34. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, on May 31, 2021, the nephelometric turbidity unit ("NTU") recorded for NTU5 was incorrect and there were various inaccuracies with how the NTUs were recorded for the maximum individual filter effluent for Filter Nos. 1, 2, and 3 [30 TEX. ADMIN. CODE § 290.111(h)].

35. Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for Drinking Water System Components. Specifically, the air compressor lubricant used by the water system on its air compressors for water pressure maintenance was "Interstate Pneumatics YL10-016 Non-Detergent Compressor Oil", which was not food grade and did not conform with ANSI/NSF Standard 61 [30 TEX. ADMIN. CODE § 290.42(j)].

36. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the Moore Plant, the fire-suppression GST had heavy mildew on its exterior and the wiring for the GST's supervisory control and data acquisition ("SCADA") system was severed, and the Moore EST's overflow pipe contained excessive rust and there was a hole in the underside of the overflow pipe [30 TEX. ADMIN. CODE § 290.46(m)].

37. Failed to meet the conditions for an issued exception. Specifically, the Respondent was granted an exception for the surface overflow rate of sludge blanket clarifiers and did not follow the conditions by collecting a settled water turbidity sample for each

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superpulsator during each 8-hour shift, but instead was collecting only one sample from each superpulsator per day [30 TEX. ADMIN. CODE § 290.39(l)(5)].

38. Failed to have all backflow prevention assembly ("BPA") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, two BPAs for Walmart No. 163 had not been tested since May 20, 2019, three BPAs for Frogs Sport Bar and Grill had not been tested since September 6, 2019, and the BPA at Parker-Hannifin Corporation was not tested annually from May 18, 2018, to March 16, 2020 [30 TEX. ADMIN. CODE § 290.44(h)(4)].

39. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Well No. 12. Specifically, the Facility's sanitary control easement for Well No. 12 does not include the area east of the well that crosses over U.S. Highway 59 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].

40. Failed to keep on file copies of well completion data for as long as the well remains in service. Specifically, copies of the sanitary control easements for the Facility's Well Nos. 13, 14, and 16 were not available for review [30 TEX. ADMIN. CODE § 290.46(n)(3)].

41. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the distribution map did not show that the waterline on Sarah Anne Street ended at the last residence located on that street [30 TEX. ADMIN. CODE § 290.46(n)(2)].

42. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing species and that nitrification is controlled. Specifically, nitrite and nitrate were not being monitored quarterly at the entry point from January 19, 2021 to January 6, 2022, and for the third quarter of 2021 in the distribution system [30 TEX. ADMIN. CODE § 290.110(c)(5)].

43. Failed to inspect the exterior of the Facility's pressure tanks annually and the interior of the Facility's pressure tanks at least once every five years. Specifically, the exterior of the Southwest Pump Station Pressure Tank and Central Heights North Pressure Tank was not inspected annually since 2019, and neither tank had an interior inspection in the last five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

44. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent with an opening 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, at Well No. 16, the well casing vent was completely detached, leaving the hole open to the atmosphere and was not covered by a screening material [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].

45. 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,

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the air relief valve at Well No. 16 was not covered by a screening material [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].

46. Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service. Specifically, the Post Oak Pressure Plane had 6,289 connections requiring a service pump capacity of 12,578 gpm. However, only 10,820 gpm were provided, indicating a 14% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

47. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Central Heights North Pressure Plane had 206 connections requiring a total storage capacity of 41,200 gallons. However, only 33,000 gallons were provided, indicating a 20% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

48. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the SWTP, there was vegetation and trees growing between the strands of barbed wire of the intruder-resistant fence [30 TEX. ADMIN. CODE § 290.46(m)].

49. Failed to plug an abandoned public water supply well with cement or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well No. 4 had not been tested or plugged [30 TEX. ADMIN. CODE § 290.46(u)].

50. Failed to provide the air release devices on treated waterlines with a 16-mesh or finer corrosion-resistant screening material so as to preclude the possibility of submergence or possible entrance of contaminants. Specifically, at the Southwest Pump Station and the Low Plant, the muffler-like attachment on the air release device and the end of the long tube for the second air release device for the LP2, LP3, LP4 service pumps, the air release device and muffler-like attachment for the second air release device on the central pipe of the pump room of both locations, and the end of the long tube for the air release device for the MP3 and MP4 service pumps were not covered with a screening material [30 TEX. ADMIN. CODE § 290.42(d)(2)(F)].

51. 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 at the gate valve for the main distribution line at Well No. 7, and a leak in the flow meter at Well No. 11 [30 TEX. ADMIN. CODE § 290.46(m)(4)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By March 16, 2020, tested the BPA at Parker-Hannifin Corporation;
- b. By December 8, 2021, labeled the PAC injection line at the splitter box;
- c. By December 31, 2021, calibrated the Facility's benchtop pH meter according to manufacturer specifications at least once each day and checked with at least one buffer each time a series of samples was run;
- d. By March 2, 2022, updated the distribution map to indicate that the waterline ended at the last residence located on Sarah Anne Street;
- e. By March 29, 2022, repaired the leak on the backwash valve for Filter No. 2 at the SWTP;
- f. By March 29, 2022, cleared the vegetation and trees growing between the strands of barbed wire for the intruder-resistant fence at the SWTP;
- g. By March 29, 2022, provided chemical labels for the LAS container at the Southwest Pump Station, the fluoride bulk storage container and the fluoride day tank at the Southside Pump Station, and the LAS double-walled tank at Well No. 14;
- h. By March 29, 2022, repaired the 16-mesh screen on the well casing vent for Well No. 13;
- i. By March 29, 2022, provided tightly fitting covers for the overflow pipes at the 3.0-MG GST at the Low Plant and at the Moore EST with no gap over 1/16 inch in accordance with AWWA standards;
- j. By March 29, 2022, connected the liquid level indicator to the 3.0 MG GST at the Low Plant;
- k. By March 29, 2022, repaired the broken strand of barbed-wire along the front-left side of the fence at the Beulah EST;
- l. By March 29, 2022, repaired the issue with the electrical panel at Well No. 12;
- m. By March 29, 2022, repaired the holes under the fence at the Martinsville EST;
- n. By March 29, 2022, repaired the leak on the piping for the sample tap and feet-of-water gauge for the Martinsville EST;

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- o. By March 29, 2022, repaired the generator at Well No. 8;
- p. By March 29, 2022, repaired the scales for the gas chlorine cylinders and the automatic actuator at Well No. 14;
- q. By March 30, 2022, repaired the intruder-resistant fence near the GST and the pressure tank and removed the excessive vegetation, and cleaned the mildew on the 0.008 MG pressure tank at the Central Heights No. 2 North Plant;
- r. By March 30, 2022, repaired the leaks at the gate valve for the main distribution line at Well No. 7, and the leak in the flow meter at Well No. 11;
- s. By March 30, 2022, tested abandoned Well No. 4;
- t. By March 30, 2022, provided a small bottle of fresh ammonia solution for the gas chlorine facilities at Well No. 16;
- u. By March 31, 2022, cleaned the severe rust on the overflow pipe and overflow cover and repaired the hole on the underside of the overflow pipe at the Austin EST;
- v. By April 8, 2022, provided adequate air ventilation, including both high level and floor level screened vents, for the gas chlorination room at the Central Heights South Plant;
- w. By April 8, 2022, reattached the well casing vent on Well No. 16 and covered the opening with 16-mesh or finer corrosion-resistant screen;
- x. By April 8, 2022, covered all openings to the atmosphere with a 16-mesh or finer corrosion resistant screening material on the LP4, MP4, MP3, LP3, LP2 service pumps, and the air release devices on the central pipe of the pump room at both the Southwest Pump Station and the Low Plant;
- y. By April 28, 2022, maintained a thorough and up-to-date plant operations manual;
- z. By May 2, 2022, met the conditions for an issued exception; and
- aa. By May 2, 2022, maintained water works operation and maintenance records and made them readily available for review by the Executive Director upon request.

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:

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a. Within 30 days:

i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing Service Pump No. 3 at the Low Plant;

ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including fixing the leak in the fluoride chemical injector line, addressing the low air pressure in the SCBA, repairing the hole in the 16-mesh of the vent on High Service Pump No. 1, and repairing the rust on the roof vent of the 3.0 MG GST;

iii. Secure the electrical wiring in compliance with a local or national code at the Beulah EST;

iv. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the excessive vegetation and fixing the barbed-wire separators at Well No. 5;

v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of properly completed, signed and certified SWMORs;

vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the roof hatch at the Post Oak 5 MG GST, and repairing the roof vent and roof hatch at the Central Heights North GST;

vii. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing species and that nitrification is controlled. This provision will be satisfied upon six consecutive months of compliant sampling; and

viii. Conduct an annual exterior inspection and an interior inspection at least once every five years of the Southwest Pump Station Pressure Tank and Central Heights North Pressure Tank.

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

c. Within 60 days:

i. Begin maintaining all pumps, motors, valves, and other mechanical devices in good working condition including, but not limited to repairing or replacing Filter No. 7 at the SWTP;

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- ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the leak at the mechanical seals on Service Pump Nos. 3 and 5 at the Post Oak Pump Station, and a leak at the gasket for the air relief valve for Well No. 14;
 - iii. Begin using an approved chemical or media that is ANSI/NSF Standard 61 certified for the air compressor lubricant used for the air compressors for water pressure maintenance;
 - iv. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the heavy mildew on the exterior of and repairing the wiring for the SCADA system for the fire-suppression GST, and removing the excessive rust within and repair the hole in the underside of the overflow pipe of the Moore EST; and
 - v. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the two BPAs for Walmart No. 163 and the three BPAs for Frogs Sport Bar and Grill.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
- i. Plug the abandoned public water supply Well Nos. 5 and 10 with cement or submit test results proving that the well is in a non-deteriorated condition;
 - ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 12 or obtain Commission approval of an exception to the easement requirement;
 - iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the access ladder for the Austin EST;
 - iv. Keep on file copies of well completion data for the Facility's Well Nos. 13, 14, and 16 including but not limited to copies of the sanitary control easements;
 - v. Provide an air gap for the filter-to-waste connection or obtain Commission approval of an exception;
 - vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including cleaning the significant rust on the seams, downward pipes, the 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10,

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and cleaning the significant rust on the air vent to the junction box; and repairing the oil leak on the rake motor for the sludge tank;

vii. Ensure 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, including but not limited to addressing the multiple deficiencies of the fence surrounding the Post Oak Pump Station; and

viii. Ensure 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, including but not limited to addressing the multiple deficiencies of the fence surrounding the Southside Pump Station.

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

g. Within 180 days:

i. Provide the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection;

ii. Provide the Post Oak Pressure Plane with a service pump capacity that provides the pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service; and

iii. Provide the Central Heights North Pressure Plane with total storage capacity of 200 gallons per connection.

h. Within 195 days, submit written certification to demonstrate compliance with g.

i. Within 225 days, submit written certification to demonstrate compliance with a.vii.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2571; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: The Honorable James D. Mize, Mayor, City of Nacogdoches, P.O. Box 635030, Nacogdoches, Texas 75963

Richard B. Beverlin III, City Manager, City of Nacogdoches, P.O. Box 635030, Nacogdoches, Texas 75963

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Mar-2022		
	PCW	15-Mar-2022	Screening	15-Mar-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Nacogdoches (PCW No. 1)
Reg. Ent. Ref. No.	RN101264778
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62100	No. of Violations	37
Docket No.	2022-0306-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		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	\$62,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	22.0% Adjustment	Subtotals 2, 3, & 7	\$13,695
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Notes: Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

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	-\$3,414
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$7,001
 Estimated Cost of Compliance: \$30,506
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72,531
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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	\$72,531
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,531
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DEFERRAL	20.0%	Reduction	Adjustment	-\$14,506
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$58,025
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Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	5-Apr-2016	23-Oct-2024	8.56	\$29	\$570	\$599
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 access ladder for the Austin EST, 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
 (Empty box for notes)

Approx. Cost of Compliance \$1,000

TOTAL \$599

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)		Policy Revision 5 (January 28, 2021)	
Case ID No.	62100	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(6)			
Violation Description	Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, Filter No. 7 at the surface water treatment plant ("SWTP") was out of service.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes: Failure to maintain all filters in good working condition could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$807 Violation Final Penalty Total \$1,830

This violation Final Assessed Penalty (adjusted for limits) \$1,830

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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	\$2,000	18-Dec-2018	23-Sep-2024	5.77	\$38	\$769	\$807
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount repair or replace Filter No. 7 at the SWTP, 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 \$2,000

TOTAL \$807

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(2)(E)

Violation Description Failed to provide an air gap for the filter-to-waste connection. Specifically, the filter-to-waste connection at the SWTP's backwash reclaim tank did not have an air gap.

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	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

Failure to provide the filter-to-waste connection with an air gap could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 Number of violation days 97

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$205 Violation Final Penalty Total \$1,830

This violation Final Assessed Penalty (adjusted for limits) \$1,830

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	18-Dec-2018	23-Oct-2024	5.85	\$10	\$195	\$205
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 air gap for the filter-to-waste connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$205

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(2)(G) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, the Low Pressure Plane had 9,561 connections requiring an elevated storage capacity of 0.9561 million gallons ("MG"). However, only 0.75 MG were provided, indicating a 22% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes
 Failure to provide an adequate elevated storage capacity or pressure tank capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$1,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$2,137	Violation Final Penalty Total \$1,830
This violation Final Assessed Penalty (adjusted for limits) \$1,830	

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	18-Dec-2018	23-Jan-2025	6.10	\$102	\$2,035	\$2,137
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 the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$2,137

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	5			
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, at the SWTP, there was significant rust on the seams, downward pipes, 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10. Additionally, there was significant rust on the air vent to the junction box, and the rake motor for the sludge tank was leaking oil.			
		Base Penalty		\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,050

Three single events are recommended (one for each facility and/or equipment).

Good Faith Efforts to Comply Reduction \$0

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

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

Violation Subtotal \$1,050

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$202	Violation Final Penalty Total \$1,281
This violation Final Assessed Penalty (adjusted for limits) \$1,281	

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	8-Dec-2021	23-Oct-2024	2.88	\$10	\$192	\$202
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 clean the significant rust on the seams, downward pipes, 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10; clean the significant rust on the air vent to the junction box, and repair the oil leak on the rake motor for the sludge tank, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$202

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 6

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 backwash valve for Filter No. 2 at the SWTP.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain all filters in a watertight condition could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

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 29, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	8-Dec-2021	29-Mar-2022	0.30	\$1	\$10	\$11
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to repair the leak on the backwash valve for Filter No. 2 at the SWTP, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(A)			
Violation Description	Failed to calibrate the Facility's benchtop pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
Potential		x		Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to properly calibrate the Facility's benchtop pH meter could cause inaccurate data collection and prevent detection of treatment problems that could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
		Adjustment	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	1	5	Number of violation days
		daily		
		weekly		
		monthly		
		quarterly		
		semiannual		
		annual		
		single event	x	Violation Base Penalty \$750
	One single event is recommended.			
Good Faith Efforts to Comply	25.0%		Reduction	\$187
		Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance by December 13, 2021.			
		Violation Subtotal	\$563	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$0	Violation Final Penalty Total	\$728	
	This violation Final Assessed Penalty (adjusted for limits)			\$728

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	8-Dec-2021	13-Dec-2021	0.01	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's benchtop pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$10

TOTAL \$0

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the manual did not include local emergency contact phone numbers.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

Notes: The Respondent achieved compliance by April 28, 2022.

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	8-Dec-2021	28-Apr-2022	0.39	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$1

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)		Policy Revision 5 (January 28, 2021)	
Case ID No.	62100	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(13)			
Violation Description	Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint. Specifically, at the SWTP, the label for the powder activated carbon ("PAC") injection line at the splitter box was worn and no longer easily identifiable.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to identify the chemical feed lines could expose customers of the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events: 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$87

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

Notes: The Respondent achieved compliance by December 8, 2021.

Violation Subtotal \$263

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5	8-Dec-2021	8-Dec-2021	0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to identify the PAC injection line at the splitter box at the SWTP, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$0

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 10

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

Violation Description

Failed to provide all chemical bulk storage facilities and day tanks with a label that identifies the contents. Specifically, the liquid ammonium sulfate ("LAS") container at the Southwest Pump Station did not have a chemical label, the fluoride bulk storage container and the fluoride day tank at the Southside Pump Station did not have chemical labels, and the LAS double-walled tank at Well No. 14 did not have a chemical label.

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 all chemical bulk storage facilities and day tanks with a label that identifies the contents could expose operators to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 8 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Eight quarterly events are recommended (one event for each deficiency x two quarters), calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply 10.0% Reduction \$600

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

Notes

The Respondent achieved compliance by March 29, 2022.

Violation Subtotal \$5,400

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$6,720

This violation Final Assessed Penalty (adjusted for limits) \$6,720

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 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)	\$80	8-Dec-2021	29-Mar-2022	0.30	\$1	n/a	\$1

Notes for DELAYED costs The delayed cost includes the estimated amount to provide chemical labels for each storage facility or day tank (\$20 per deficiency x four deficiencies), calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$80

TOTAL \$1

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 11

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 a 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, there was a hole in the 16-mesh screen for the well casing vent on Well No. 13.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to properly screen the well casing vent could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$35

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

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent achieved compliance by March 29, 2022.

Violation Subtotal \$315

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$392

This violation Final Assessed Penalty (adjusted for limits) \$392

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$50	8-Dec-2021	29-Mar-2022	0.30	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost is the estimated amount to repair the 16-mesh screen on the well casing vent on Well No. 13, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$50

TOTAL \$1

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 12

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 gaps between the overflows and the covers were greater than 1/16 inch at the 3.0 MG ground storage tank ("GST") at the Low Plant and at the Moore EST.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to provide the Facility's storage tanks with an overflow pipe with a tightly fitting cover could allow a significant amount of contaminants to enter the water supply which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four quarterly events are recommended (two events per tank x two tanks), calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

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 by March 29, 2022.

Violation Subtotal \$2,700

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

Estimated EB Amount \$21 **Violation Final Penalty Total** \$3,360

This violation Final Assessed Penalty (adjusted for limits) \$3,360

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$1,000	8-Dec-2021	29-Mar-2022	0.30	\$1	\$20	\$21
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 tightly fitting covers for the overflow pipes at the 3.0 MG GST at the Low Plant and at the Moore EST with no gap over 1/16 inch in accordance with AWWA standards (\$500 per tank x two tanks), calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$21

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)		Policy Revision 5 (January 28, 2021)	
Case ID No.	62100	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	13			
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, at the Central Heights South Plant, the floor level vents in the gas chlorination room remained closed at all times.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> 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 \$3,500

\$1,500

Violation Events

Number of Violation Events: 4 97 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply 10.0% Reduction \$600

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

Notes: The Respondent achieved compliance by April 8, 2022.

Violation Subtotal \$5,400

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$23 **Violation Final Penalty Total** \$6,720

This violation Final Assessed Penalty (adjusted for limits) \$6,720

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 13

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$1,000	8-Dec-2021	8-Apr-2022	0.33	\$1	\$22	\$23
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide adequate air ventilation, including both high level and floor level screened vents, for the gas chlorination room at the Central Heights South Plant, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$1,000

TOTAL \$23

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 14

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, at the Low Plant, Service Pump No. 3 was out of service.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> 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 insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1

97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$190

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	8-Dec-2021	24-Aug-2024	2.71	\$9	\$181	\$190
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 Service Pump No. 3 at the Low Plant, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$190

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 15

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide all GSTs with a liquid level indicator. Specifically, the liquid level indicator for the 3.0 MG GST at the Low Plant was not connected to the tank.

Base Penalty \$5,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to provide a liquid level indicator may not allow the operator to make necessary adjustments for production and usage calculations, which would expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$35

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

Extraordinary		
Ordinary		x
N/A		

Notes

The Respondent achieved compliance by March 29, 2022.

Violation Subtotal \$315

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$392

This violation Final Assessed Penalty (adjusted for limits) \$392

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 15

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$200	8-Dec-2021	29-Mar-2022	0.30	\$0	\$4	\$4
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to connect the liquid level indicator to the 3.0 MG GST at the Low Plant, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$4

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)		Policy Revision 5 (January 28, 2021)	
Case ID No.	62100	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	16			
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 Austin EST had severe rust on the overflow pipe and overflow cover, and there was a hole on the underside of the overflow pipe.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.				
					Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	2	97	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		
			Violation Base Penalty \$1,500
Two quarterly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.			

Good Faith Efforts to Comply 10.0% Reduction \$150

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance by March 31, 2022.		
			Violation Subtotal \$1,350

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$11	Violation Final Penalty Total \$1,680
This violation Final Assessed Penalty (adjusted for limits) \$1,680	

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 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)	\$500	8-Dec-2021	31-Mar-2022	0.31	\$1	\$10	\$11
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 clean the severe rust on the overflow pipe and overflow cover and repair the hole on the underside of the overflow pipe at the Austin EST, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$11
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Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	17			
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, at the Central Heights No. 2 North Plant, the intruder-resistant fence was loose near the GST and near the pressure tank, causing a gap between the barbed wire and the top of the fence. Additionally, there was excessive vegetation on the intruder-resistant fence, and there was a significant amount of mildew on the 0.008 MG pressure tank.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$700

Two single events are recommended (one for each facility and/or equipment).

Good Faith Efforts to Comply Reduction

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

Notes
The Respondent achieved compliance by March 30, 2022.

Violation Subtotal \$630

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$784

This violation Final Assessed Penalty (adjusted for limits) \$784

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	8-Dec-2021	30-Mar-2022	0.31	\$1	\$10	\$11
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 intruder-resistant fence near the GST and the pressure tank, remove the excessive vegetation on the intruder-resistant fence, and clean the mildew on the 0.008 MG pressure tank, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs
 (This area is currently blank)

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			Policy Revision 5 (January 28, 2021)
Case ID No.	62100			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	18			
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, the mechanical seals on Service Pump Nos. 3 and 5 at the Post Oak Pump Station were leaking, and a leak at the gasket for the air relief valve was documented for Well No. 14.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
Potential		x		Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to maintain the service pumps, valve, distribution line, flow meter, and air relief valve in a 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	\$4,250	
			\$750	
Violation Events				
	Number of Violation Events	4	97	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$3,000
	semiannual			
	annual			
	single event			
	Four quarterly events are recommended (one event per location x two quarters), calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.			
Good Faith Efforts to Comply	0.0%		Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$3,000	
Economic Benefit (EB) for this violation			Statutory Limit Test	
	Estimated EB Amount	\$195	Violation Final Penalty Total	\$3,660
	This violation Final Assessed Penalty (adjusted for limits)			\$3,660

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 18

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	8-Dec-2021	23-Sep-2024	2.79	\$9	\$186	\$195
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 leaks at the mechanical seals on Service Pump Nos. 3 and 5, and a leak at the gasket for the air relief valve, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$1,000

TOTAL \$195

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 19

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, at the Post Oak Pump Station, the following issues were identified: the fence was not at least six feet or greater in height along the right-front of the fence near the brick building and along the back-right side of the fence; the top strand of barbed-wire was broken and the barbed-wire separators did not face outward at a 45-degree angle along the left-back corner; there were barbed-wire separators disconnected from their vertical poles or bent at 90-degree and 180-degree angles, multiple locations with loose or tangled barbed-wire, and excessive vegetation along the back of the fence; there were barbed-wire separators not attached to the vertical bar and large gaps between the fence and barbed wire along the right-side of the fence; and there were three large holes under the fence at the front-left corner.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to ensure 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 could expose person served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$302

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 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)	\$1,500	8-Dec-2021	23-Oct-2024	2.88	\$14	\$288	\$302
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 fence and barbed-wire at the Post Oak Pump Station, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$302

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 20

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, at the Southside Pump Station, the fluoride chemical injector line was leaking chemical, the self-contained breathing apparatus ("SCBA") only had 10 pounds of air remaining, the 16-mesh for the vent on High Service Pump No. 1 had a hole, and the roof vent on the 3.0 MG GST contained rust.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 4 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,400

Four single events are recommended, one event for each piece of equipment.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$1,400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$380

Violation Final Penalty Total \$1,708

This violation Final Assessed Penalty (adjusted for limits) \$1,708

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 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)	\$2,000	8-Dec-2021	24-Aug-2024	2.71	\$18	\$362	\$380
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 fluoride chemical injector line leak and the SCBA at the Southside Pump Station, the 16-mesh for the vent on High Service Pump No. 1, and the rust in the roof vent on the 3.0 MG GST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000

TOTAL \$380

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 21

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, at the Beulah EST, the fence had a broken strand of barbed-wire along the front-left side.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> 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 cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$35

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

Notes The Respondent achieved compliance on March 29, 2022.

Violation Subtotal \$315

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$392

This violation Final Assessed Penalty (adjusted for limits) \$392

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 21

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	8-Dec-2021	29-Mar-2022	0.30	\$0	\$5	\$5
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 fence with a broken strand of barbed-wire along the front-left side at the Beulah EST, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$250

TOTAL \$5

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 22

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

Violation Description Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, at the Beulah EST, there was broken electrical wiring conduit tubing and a missing electrical face plate.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes

Failure to ensure all electrical wiring is installed in compliance with a local or national code could cause expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4 Number of violation days 97

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38 Violation Final Penalty Total \$7,320

This violation Final Assessed Penalty (adjusted for limits) \$7,320

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 22

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	8-Dec-2021	24-Aug-2024	2.71	\$2	\$36	\$38
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 secure all electrical wiring in compliance with a local or national code at the Beulah EST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$200

TOTAL \$38

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 23

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, at Well No. 12, there was an issue with the electrical panel that was causing a loud humming noise.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$35

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

Notes The Respondent achieved compliance on March 29, 2022.

Violation Subtotal \$315

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$392

This violation Final Assessed Penalty (adjusted for limits) \$392

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 23

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	8-Dec-2021	29-Mar-2022	0.30	\$1	\$10	\$11
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 electrical panel at Well No. 12, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 24

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, at the Martinsville EST, there were two holes under the right-front corner of the fence directly next to and under the front gate.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				7.0%
Potential			x	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$35

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

Notes The Respondent achieved compliance by March 29, 2022.

Violation Subtotal \$315

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$392

This violation Final Assessed Penalty (adjusted for limits) \$392

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 24

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	8-Dec-2021	29-Mar-2022	0.30	\$1	\$10	\$11
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 fence at the Martinsville EST, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 25

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(6)

Violation Description

Failed to ensure that all clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, at the Martinsville EST, there was a leak on the piping for the sample tap and feet-of-water gauge.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor	Percent
				0.0%

Failure to ensure that potable water storage tanks are thoroughly tight against leaking could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 29, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 25

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	8-Dec-2021	29-Mar-2022	0.30	\$0	\$5	\$5
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 ensure the Martinsville EST, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$5

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 26
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, at the Southside Pump Station, the fence had a gap under the middle right corner; there was excessive vegetation growing along the left-back corner to middle-back; all of the barbed-wire separators were bent upward at a 180-degree angle; and the fence was not at least six feet tall along the middle-left side.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Failure to ensure 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 could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$350

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

Estimated EB Amount \$503 Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 26

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	8-Dec-2021	23-Oct-2024	2.88	\$24	\$479	\$503
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 deficiencies in the intruder-resistant fence at the Southside Pump Station, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$2,500

TOTAL \$503

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	27			
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, at Well No. 8, the generator had a low coolant error and was not properly working.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility could cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.				
					Adjustment \$4,650

\$350

Violation Events

Number of Violation Events	1	97	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		Violation Base Penalty \$350
	One single event is recommended.			

Good Faith Efforts to Comply **10.0%** Reduction \$35

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance by March 29, 2022.		
			Violation Subtotal \$315

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$11	Violation Final Penalty Total \$392
This violation Final Assessed Penalty (adjusted for limits) \$392	

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 27

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	8-Dec-2021	29-Mar-2022	0.30	\$1	\$10	\$11
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 generator at Well No. 8, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 28

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, at Well No. 5, there was excessive vegetation along the right-front, right, and right-back sides of the fence, and there were barbed-wire separators that were not supported by a vertical bar and were bent at a 90-degree angle.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> 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 cause persons served by the Facility to be exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1

97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$285

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 28

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	8-Dec-2021	24-Aug-2024	2.71	\$14	\$271	\$285
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 deficiencies with the fence at Well No. 5 and remove the excess vegetation, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$1,500

TOTAL \$285

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 29

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, at Well No. 14, the scales for the gas chlorine cylinders were not reading correctly and the automatic actuator was broken.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

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

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 Number of violation days 97

Table with frequency categories: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 2022.

Good Faith Efforts to Comply

10.0%

Reduction \$150

Table with columns: Extraordinary, Ordinary, N/A and rows: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer.

Notes The Respondent achieved compliance by March 29, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 29

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	8-Dec-2021	29-Mar-2022	0.30	\$1	\$10	\$11
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 scales for the gas chlorine cylinders and the automatic actuator at Well No. 14, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$11

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 30

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

Violation Description

Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage which is readily available outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, at Well No. 16, there was no small bottle of fresh ammonia solution for the gas chlorine facilities.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to provide a small bottle of fresh ammonia solution for testing chlorine leakage outside of the chlorine enclosure could expose employees of the Facility to chlorine gas which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4 Number of violation days 97

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 2022.

Good Faith Efforts to Comply

10.0%

Reduction \$600

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

Notes The Respondent achieved compliance on March 30, 2022.

Violation Subtotal \$5,400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$6,720

This violation Final Assessed Penalty (adjusted for limits) \$6,720

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 30

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	8-Dec-2021	30-Mar-2022	0.31	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a small bottle of fresh ammonia solution outside the chlorinator room at Well No. 16, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$0

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 31

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 2019, 2020, and 2021 tank inspection forms note that the roof hatch was not sealing at the Post Oak 5 MG GST, and the 2021 tank inspection form notes that the roof vent had holes and the roof hatch was rusted at the Central Heights North GST.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> 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 cause persons served by the Facility to be exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4

97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four quarterly events are recommended (two quarterly events per two locations), calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$285

Violation Final Penalty Total \$3,660

This violation Final Assessed Penalty (adjusted for limits) \$3,660

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 31

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)	\$1,500	8-Dec-2021	24-Aug-2024	2.71	\$14	\$271	\$285
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 roof hatch at the Post Oak 5 MG GST, and the holes in the roof vent and rust on the roof hatch at the Central Heights North GST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$1,500

TOTAL \$285

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 32

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

Violation Description
 Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of calibration for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, and the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

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

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 97 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 10.0% Reduction \$5

	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 \$45

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

Estimated EB Amount \$1 **Violation Final Penalty Total** \$56

This violation Final Assessed Penalty (adjusted for limits) \$56

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 32

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	8-Dec-2021	2-May-2022	0.40	\$1	n/a	\$1
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 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
 (Empty box for notes)

Approx. Cost of Compliance \$45

TOTAL \$1

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 33

Rule Cite(s) 30 Tex. Admin. Code § 290.111(h)

Violation Description

Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, on May 31, 2021, the nephelometric turbidity unit ("NTU") recorded for NTU5 was incorrect and there were various inaccuracies with how the NTUs were recorded for the maximum individual filter effluent for Filter Nos. 1, 2, and 3.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 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

97 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 \$20

Violation Final Penalty Total \$61

This violation Final Assessed Penalty (adjusted for limits) \$61

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 33

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	8-Dec-2021	24-Aug-2024	2.71	\$6	n/a	\$6
Training/Sampling	\$100	8-Dec-2021	24-Aug-2024	2.71	\$14	n/a	\$14
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that SWMORs are properly completed, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (This area is currently blank for notes.)

Approx. Cost of Compliance \$145

TOTAL \$20

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 34

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

Violation Description
 Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for Drinking Water System Components. Specifically, the air compressor lubricant used by the water system on its air compressors for water pressure maintenance was "Interstate Pneumatics YL10-016 Non-Detergent Compressor Oil", which was not food grade and did not conform with ANSI/NSF Standard 61.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 Failure to use approved Drinking Water System Components could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,650

\$350

Violation Events

Number of Violation Events 1 97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 34

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	8-Dec-2021	23-Sep-2024	2.79	\$28	n/a	\$28

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conforms to ANSI/NSF Standard 61 for Drinking Water System Components, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$28

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	35			
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, at the Moore Plant, the fire-suppression GST had heavy mildew on its exterior and the wiring for the GST's supervisory control and data acquisition ("SCADA") system was severed, and the Moore EST's overflow pipe contained excessive rust and there was a hole in the underside of the overflow pipe.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 2022.

Good Faith Efforts to Comply Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$489 **Violation Final Penalty Total** \$1,830

This violation Final Assessed Penalty (adjusted for limits) \$1,830

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 35

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	8-Dec-2021	23-Sep-2024	2.79	\$23	\$466	\$489
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to remove the heavy mildew on the exterior of and repair the wiring for the SCADA system for the fire-suppression GST, and remove the excessive rust within and repair the hole in the underside of the overflow pipe of the Moore EST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,500

TOTAL \$489

Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	36			
Rule Cite(s)	30 Tex. Admin. Code § 290.39(l)(5)			
Violation Description	Failed to meet the conditions for an issued exception. Specifically, the Respondent was granted an exception for the surface overflow rate of sludge blanket clarifiers and did not follow the conditions by collecting a settled water turbidity sample for each superpulser during each 8-hour shift, but instead was collecting only one sample from each superpulser per day.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to meet the exception requirements could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 May 2, 2022.

Violation Subtotal \$1,350

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 36

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

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	\$180	8-Dec-2021	2-May-2022	0.40	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that one settled water turbidity sample is collected from each superpulvator during each 8-hour shift as required by the issued exception, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$4

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 37

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 backflow assembly tester and certified that they are operating within specifications. Specifically, two BPAs for Walmart No. 163 had not been tested since May 20, 2019, three BPAs for Frogs Sport Bar and Grill had not been tested since September 6, 2019, and the BPA at Parker-Hannifin Corporation was not tested annually from May 18, 2018 to March 16, 2020.

Base Penalty \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	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 the water mains which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4 97 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$6,000

Four monthly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$193

Violation Final Penalty Total \$7,320

This violation Final Assessed Penalty (adjusted for limits) \$7,320

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 1)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 37

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
Other (as needed)	\$155	8-Dec-2021	23-Sep-2024	2.79	\$22	n/a	\$22
Other (as needed)	\$31	18-May-2018	16-Mar-2020	1.83	\$3	n/a	\$3

Notes for DELAYED costs

The first other delayed cost includes the estimated amount to test the BPAs (\$31 x five locations), calculated from the date of the investigation to the estimated date of compliance.

The second other delayed cost includes the estimated amount to have tested the BPA at Parker-Hannifin Corporation, calculated from the date the annual test was due to the date it was tested.

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	\$62	20-May-2020	15-Mar-2022	1.82	\$6	\$62	\$68
ONE-TIME avoided costs	\$93	6-Sep-2020	15-Mar-2022	1.52	\$7	\$93	\$100

Notes for AVOIDED costs

The first avoided cost includes the estimated amount to test the BPAs (\$31 x two locations + interest accrued), calculated from the date of the last missed inspection to the date of screening.

The second avoided cost includes the estimated amount to test the BPAs (\$31 x three locations + interest accrued), calculated from the date of the last missed inspection to the date of screening.

Approx. Cost of Compliance \$341

TOTAL \$193



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Mar-2022		
	PCW	15-Mar-2022	Screening	15-Mar-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Nacogdoches (PCW No. 2)
Reg. Ent. Ref. No.	RN101264778
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62100	No. of Violations	2
Docket No.	2022-0306-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		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	\$80
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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	22.0%	Adjustment	Subtotals 2, 3, & 7	\$17
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Notes: Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

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: \$36
 Estimated Cost of Compliance: \$100
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$97
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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	\$97
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$135
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DEFERRAL	20.0%	Reduction	Adjustment	-\$27
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$108
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Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 2)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Well No. 12. Specifically, the Facility's sanitary control easement for Well No. 12 does not include the area east of the well that crosses over United States Highway 59.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to have a sanitary control easement in place could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$930

\$70

Violation Events

Number of Violation Events 1 2293 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$70

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 \$70

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$85

This violation Final Assessed Penalty (adjusted for limits) \$85

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 2)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	21-May-2013	23-Oct-2024	11.43	\$14	n/a	\$14

Notes for DELAYED costs
 The delayed cost includes the estimated amount to obtain and record a sanitary control easement for the Facility's Well No. 12 or obtain an exception to the requirement, 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
 (Empty box for notes)

Approx. Cost of Compliance \$25

TOTAL \$14

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(3)

Violation Description

Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, copies of the sanitary control easements for the Facility's Well Nos. 13, 14, and 16 were not available for review.

Base Penalty \$1,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 256 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$12

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

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 2)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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	\$75	18-Dec-2018	23-Oct-2024	5.85	\$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 keep on file well completion data at the Facility (\$25 per well x three wells), 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 \$75

TOTAL \$22



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	14-Mar-2022		
	PCW	15-Mar-2022	Screening	15-Mar-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Nacogdoches (PCW No. 3)
Reg. Ent. Ref. No.	RN101264778
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62100	No. of Violations	10
Docket No.	2022-0306-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		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	\$17,250
-------------------------------------------------------------	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	22.0% Adjustment	Subtotals 2, 3, & 7	\$3,795
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Notes: Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

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	-\$797
------------------------------------------------------	-------------------	--------

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

Total EB Amounts: \$5,397
 Estimated Cost of Compliance: \$24,538
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$20,248
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---------------------------------------------	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$20,248
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$20,249
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DEFERRAL	20.0%	Reduction	Adjustment	-\$4,049
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$16,200
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Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 22%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 22%

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

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

Violation Number 1

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

Violation Description
 Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the distribution map did not show that the waterline on Sarah Anne Street ended at the last residence located on that street.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 84 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

25.0%

Reduction \$12

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

Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance by March 2, 2022.

Violation Subtotal \$38

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$49

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

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	8-Dec-2021	2-Mar-2022	0.23	\$2	n/a	\$2

Notes for DELAYED costs
 The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$180

TOTAL \$2

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 2

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. Specifically, nitrite and nitrate were not being monitored quarterly at the entry point from January 19, 2021 to January 6, 2022, and for the third quarter of 2021 in the distribution system.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 7.0%

>> Programmatic Matrix

Falsification	Harm		
	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 \$4,650

\$350

Violation Events

Number of Violation Events 1

97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$350

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$230

Violation Final Penalty Total \$427

This violation Final Assessed Penalty (adjusted for limits) \$427

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$200	8-Dec-2021	23-Aug-2024	2.71	\$27	n/a	\$27
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 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	\$200	8-Dec-2021	15-Mar-2022	0.27	\$3	\$200	\$203
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 to the date of screening.

Approx. Cost of Compliance \$400

TOTAL \$230

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description

Failed to inspect the exterior of the Facility's pressure tanks annually and the interior of the Facility's pressure tanks at least once every five years. Specifically, the exterior of the Southwest Pump Station Pressure Tank and Central Heights North Pressure Tank was not inspected annually since 2019, and neither tank had an interior inspection in the last five years.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to inspect pressure tanks could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 4

97 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$6,000

Four single events are recommended, two events per tank x two tanks.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$188

Violation Final Penalty Total \$7,320

This violation Final Assessed Penalty (adjusted for limits) \$7,320

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$82	8-Dec-2021	23-Aug-2024	2.71	\$11	n/a	\$11
Other (as needed)	\$82	8-Dec-2021	23-Aug-2024	2.71	\$11	n/a	\$11

Notes for DELAYED costs

The first other delayed cost includes the estimated amount to inspect the interior of the pressure tanks (\$41 per tank x two tanks) calculated from the date of the investigation to the estimated date of compliance.

The second other delayed cost includes the estimated amount to conduct annual pressure tank inspections (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$82	8-Dec-2021	15-Mar-2022	0.27	\$1	\$82	\$83
ONE-TIME avoided costs	\$82	8-Dec-2021	15-Mar-2022	0.27	\$1	\$82	\$83

Notes for AVOIDED costs

The first avoided cost includes the estimated amount to conduct interior pressure tank inspections (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.

The second avoided cost includes the estimated amount to conduct annual pressure tank inspections (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$328

TOTAL \$188

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 4

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

Violation Description

Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent with an opening 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, at Well No. 16, the well casing vent was completely detached, leaving the hole open to the atmosphere, and was not covered by a screening material.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to properly seal the wellhead and provide a well casing vent could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 2022.

Good Faith Efforts to Comply

10.0%

Reduction \$150

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

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on April 8, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$150	8-Dec-2021	8-Apr-2022	0.33	\$0	\$3	\$3
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly seal the wellhead at Well No. 16 and repair the casing vent, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$150

TOTAL \$3

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 3) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$50	8-Dec-2021	8-Apr-2022	0.33	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the covers on the air relief valve at Well No. 16 with a 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$1

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(F) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service. Specifically, the Post Oak Pressure Plane had 6,289 connections requiring a service pump capacity of 12,578 gpm. However, only 10,820 gpm were provided, indicating a 14% deficiency.

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 service pump capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,095

Violation Final Penalty Total \$1,830

This violation Final Assessed Penalty (adjusted for limits) \$1,830

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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	\$5,000	8-Dec-2021	23-Jan-2025	3.13	\$52	\$1,043	\$1,095
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service in the Post Oak Pressure Plane, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$1,095
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Screening Date	15-Mar-2022	Docket No.	2022-0306-PWS-E	PCW
Respondent	City of Nacogdoches (PCW No. 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62100			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101264778			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(2)(E) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Central Heights North Pressure Plane had 206 connections requiring a total storage capacity of 41,200 gallons. However, only 33,000 gallons were provided, indicating a 20% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 2022.

Good Faith Efforts to Comply Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$3,861 **Violation Final Penalty Total** \$1,830

This violation Final Assessed Penalty (adjusted for limits) \$1,830

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$17,630	8-Dec-2021	23-Jan-2025	3.13	\$184	\$3,677	\$3,861
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection in the Central Heights North Pressure Plane (\$2.15 x 8,200 gallons), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$17,630

TOTAL \$3,861

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 3) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number

Rule Cite(s)

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, at the Surface Water Treatment Plant ("SWTP"), there was vegetation and trees growing between the strands of barbed wire of the intruder-resistant fence.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$200	8-Dec-2021	29-Mar-2022	0.30	\$3	n/a	\$3

Notes for DELAYED costs
 The delayed cost includes the estimated amount to clear the vegetation and trees growing between the strands of barbed wire for the intruder-resistant fence at the SWTP, calculated from the investigation date to the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs
 (Empty box for notes)

Approx. Cost of Compliance \$200

TOTAL \$3

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 62100

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(2)(F)

Violation Description

Failed to provide the air release devices on treated waterlines with a 16-mesh or finer corrosion-resistant screening material so as to preclude the possibility of submergence or possible entrance of contaminants. Specifically, at the Southwest Pump Station and the Low Plant, the muffler-like attachment on the air release device and the end of the long tube for the second air release device for the LP2, LP3, LP4 service pumps, the air release device and muffler-like attachment for the second air release device on the central pipe of the pump room of both locations, and the end of the long tube for the air release device for the MP3 and MP4 service pumps were not covered with a screening material.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to properly screen the opening of the air-release devices could result in the introduction of a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, December 8, 2021, to the date of screening, March 15, 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 April 8, 2022.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,680

This violation Final Assessed Penalty (adjusted for limits) \$1,680

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$100	8-Dec-2021	8-Apr-2022	0.33	\$2	n/a	\$2

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the covers on the air release devices at the Southwest Pump Station and the Low Plant (\$50 per location x two locations) with a 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

Screening Date 15-Mar-2022 **Docket No.** 2022-0306-PWS-E **PCW**
Respondent City of Nacogdoches (PCW No. 3) *Policy Revision 5 (January 28, 2021)*
Case ID No. 62100 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 10
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 at the gate valve for the main distribution line at Well No. 7, and a leak in the flow meter at Well No. 11.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to maintain the gate valve and flow meter in a 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 \$4,250

\$750

Violation Events

Number of Violation Events 4 97 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four quarterly events are recommended (one event per location x two quarters), calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

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 by March 30, 2022.

Violation Subtotal \$2,700

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$3,360

This violation Final Assessed Penalty (adjusted for limits) \$3,360

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 3)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$500	8-Dec-2021	30-Mar-2022	0.31	\$1	\$10	\$11
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leak at the gate valve for the main distribution line at Well No. 7, and the leak in the flow meter at Well No. 11, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$11



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	14-Mar-2022	Screening	15-Mar-2022	EPA Due	
	PCW	20-Feb-2024				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Nacogdoches (PCW No. 4)
Reg. Ent. Ref. No.	RN101264778
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62100	No. of Violations	2
Docket No.	2022-0306-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		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	\$6,000
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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	22.0% Adjustment	Subtotals 2, 3, & 7	\$1,320
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Notes: Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

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	-\$200
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$4,134
 Estimated Cost of Compliance: \$6,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,120
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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	\$7,120
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,120
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DEFERRAL	20.0% Reduction	Adjustment	-\$1,424
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,696
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Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 4)

Policy Revision 2 (September 2002)

Case ID No. 62100

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 15-Mar-2022

Docket No. 2022-0306-PWS-E

PCW

Respondent City of Nacogdoches (PCW No. 4)

Policy Revision 2 (September 2002)

Case ID No. 62100

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101264778

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

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

Violation Description Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well Nos. 5 and 10 had not been tested or plugged.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (50%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Failure to plug or test the abandoned wells could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 8 Number of violation days 97

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and Count.

Violation Base Penalty \$4,000

Eight monthly events are recommended (four events per well), calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Effort Type (Extraordinary, Ordinary, N/A) and Status (Before NOV, NOV to EDPRP/Settlement Offer).

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

Violation Subtotal \$4,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,927 Violation Final Penalty Total \$4,880

This violation Final Assessed Penalty (adjusted for limits) \$4,880

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 4)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$4,000	9-Mar-2010	23-Oct-2024	14.64	\$2,927	n/a	\$2,927

Notes for DELAYED costs

The delayed cost includes the estimated amount to plug or test the abandoned wells (\$2,000 per well x two wells), 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

\$4,000

TOTAL

\$2,927

Screening Date 15-Mar-2022
Respondent City of Nacogdoches (PCW No. 4)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
Media Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2022-0306-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's abandoned Well No. 4 had not been tested or plugged.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes Failure to plug or test the abandoned well could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Four monthly events are recommended, calculated from the December 8, 2021 investigation date to the March 15, 2022 screening date.

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent achieved compliance by March 30, 2022.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Nacogdoches (PCW No. 4)
Case ID No. 62100
Reg. Ent. Reference No. RN101264778
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)	\$2,000	9-Mar-2010	30-Mar-2022	12.07	\$1,207	n/a	\$1,207

Notes for DELAYED costs

The delayed cost includes the estimated amount to plug or test the abandoned well, 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

\$2,000

TOTAL

\$1,207



Compliance History Report

Compliance History Report for CN600134076, RN101264778, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600134076, City of Nacogdoches	Classification:	SATISFACTORY	Rating:	5.22
Regulated Entity:	RN101264778, CITY OF NACOGDOCHES	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	202 EAST PILAR STREET IN NACOGDOCHES, NACOGDOCHES COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1740003				

Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	April 09, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 09, 2019 to April 09, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer			Phone:	(512) 239-2571

Site and Owner/Operator History:

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

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

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

- | | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1 | Effective Date: 06/30/2020 | ADMINORDER 2019-0864-PWS-E (1660 Order-Agreed Order With Denial) |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4) | |
| | Description: Failed to have all BPAs tested upon installation an on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE §290.44(h)(4). Specifically, the BPA installed at Jalapeno Tree had not been tested annually. | |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A) | |
| | Description: Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly ("BPA"), as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, the Respondent did not ensure that additional protection was provided at the 69 locations listed in Attachment A | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 15, 2019	(1557590)
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF NACOGDOCHES
RN101264778

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0306-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 Nacogdoches (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 202 East Pilar Street in Nacogdoches, Nacogdoches County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 20,734 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(73).
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 \$100,035 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$20,006 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, \$80,029 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 16, 2020, tested the backflow prevention assembly ("BPA") at Parker-Hannifin Corporation;
 - b. By December 8, 2021, labeled the powder activated carbon ("PAC") injection line at the splitter box;
 - c. By December 31, 2021, calibrated the Facility's benchtop pH meter according to manufacturer specifications at least once each day and checked with at least one buffer each time a series of samples was run;
 - d. By March 2, 2022, updated the distribution map to indicate that the waterline ended at the last residence located on Sarah Anne Street;
 - e. By March 29, 2022, repaired the leak on the backwash valve for Filter No. 2 at the surface water treatment plant ("SWTP");
 - f. By March 29, 2022, cleared the vegetation and trees growing between the strands of barbed wire for the intruder-resistant fence at the SWTP;
 - g. By March 29, 2022, provided chemical labels for the liquid ammonium sulfate ("LAS") container at the Southwest Pump Station, the fluoride bulk storage container and the fluoride day tank at the Southside Pump Station, and the LAS double-walled tank at Well No. 14;
 - h. By March 29, 2022, repaired the 16-mesh screen on the well casing vent for Well No. 13;

- i. By March 29, 2022, provided tightly fitting covers for the overflow pipes at the 3.0-million-gallon ("MG") ground storage tank ("GST") at the Low Plant and at the Moore Elevated Storage Tank ("EST") with no gap over 1/16 inch in accordance with American Water Works Association ("AWWA") standards;
- j. By March 29, 2022, connected the liquid level indicator to the 3.0 MG GST at the Low Plant;
- k. By March 29, 2022, repaired the broken strand of barbed-wire along the front-left side of the fence at the Beulah EST;
- l. By March 29, 2022, repaired the issue with the electrical panel at Well No. 12;
- m. By March 29, 2022, repaired the holes under the fence at the Martinsville EST;
- n. By March 29, 2022, repaired the leak on the piping for the sample tap and feet-of-water gauge for the Martinsville EST;
- o. By March 29, 2022, repaired the generator at Well No. 8;
- p. By March 29, 2022, repaired the scales for the gas chlorine cylinders and the automatic actuator at Well No. 14;
- q. By March 30, 2022, repaired the intruder-resistant fence near the GST and the pressure tank and removed the excessive vegetation, and cleaned the mildew on the 0.008 MG pressure tank at the Central Heights No. 2 North Plant;
- r. By March 30, 2022, repaired the leaks at the gate valve for the main distribution line at Well No. 7, and the leak in the flow meter at Well No. 11;
- s. By March 30, 2022, tested abandoned Well No. 4;
- t. By March 30, 2022, provided a small bottle of fresh ammonia solution for the gas chlorine facilities at Well No. 16;
- u. By March 31, 2022, cleaned the severe rust on the overflow pipe and overflow cover and repaired the hole on the underside of the overflow pipe at the Austin EST;
- v. By April 8, 2022, provided adequate air ventilation, including both high level and floor level screened vents, for the gas chlorination room at the Central Heights South Plant;
- w. By April 8, 2022, reattached the well casing vent on Well No. 16 and covered the opening with 16-mesh or finer corrosion-resistant screen;
- x. By April 8, 2022, covered all openings to the atmosphere with a 16-mesh or finer corrosion resistant screening material on the LP4, MP4, MP3, LP3, LP2 service pumps, and the air release devices on the central pipe of the pump room at both the Southwest Pump Station and the Low Plant;

- y. By April 28, 2022, maintained a thorough and up-to-date plant operations manual;
- z. By May 2, 2022, met the conditions for an issued exception; and
- aa. By May 2, 2022, maintained water works operation and maintenance records and made them readily available for review by the Executive Director upon request.

II. ALLEGATIONS

During an investigation at the Facility conducted on December 8, 2021 through January 10, 2022, an investigator documented that the Respondent:

1. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, the Facility's abandoned Well Nos. 5 and 10 had not been tested or plugged.
2. 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 access ladder for the Austin EST was warped.
3. Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(6). Specifically, Filter No. 7 at the SWTP was out of service.
4. Failed to provide an air gap for the filter-to-waste connection, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E). Specifically, the filter-to-waste connection at the SWTP's backwash reclaim tank did not have an air gap.
5. Failed to provide the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Low Pressure Plane had 9,561 connections requiring an elevated storage capacity of 0.9561 MG. However, only 0.75 MG were provided, indicating a 22% deficiency.
6. 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, at the SWTP, there was significant rust on the seams, downward pipes, 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10. Additionally, there was significant rust on the air vent to the junction box, and the rake motor for the sludge tank was leaking oil.
7. 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 backwash valve for Filter No. 2 at the SWTP.

8. Failed to calibrate the Facility's benchtop pH meter according to manufacturer specifications at least once each day and check with at least one buffer each time a series of samples is run, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(A).
9. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l). Specifically, the manual did not include local emergency contact phone numbers.
10. Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(13). Specifically, at the SWTP, the label for the PAC injection line at the splitter box was worn and no longer easily identifiable.
11. Failed to provide all chemical bulk storage facilities and day tanks with a label that identifies the contents, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(C). Specifically, the LAS container at the Southwest Pump Station did not have a chemical label, the fluoride bulk storage container and the fluoride day tank at the Southside Pump Station did not have chemical labels, and the LAS double-walled tank at Well No. 14 did not have a chemical label.
12. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent that is covered with a 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, there was a hole in the 16-mesh screen for the well casing vent for Well No. 13.
13. 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 gaps between the overflows and the covers were greater than 1/16 inch at the 3.0 MG GST at the Low Plant and at the Moore EST.
14. 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, at the Central Heights South Plant, the floor level vents in the gas chlorination room remained closed at all times.
15. 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, at the Low Plant, Service Pump No. 3 was out of service.
16. Failed to provide all GSTs with a liquid level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4). Specifically, the liquid level indicator for the 3.0 MG GST at the Low Plant was not connected to the tank.
17. 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 Austin EST had severe rust on the overflow pipe and overflow cover, and there was a hole on the underside of the overflow pipe.

18. 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, at the Central Heights No. 2 North Plant, the intruder-resistant fence was loose near the GST and near the pressure tank, causing a gap between the barbed wire and the top of the fence. Additionally, there was excessive vegetation on the intruder-resistant fence, and there was a significant amount of mildew on the 0.008 MG pressure tank.
19. 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, the mechanical seals on Service Pump Nos. 3 and 5 at the Post Oak Pump Station were leaking, and a leak at the gasket for the air relief valve was documented for Well No. 14.
20. 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, at the Post Oak Pump Station, the following issues were identified: the fence was not at least six feet or greater in height along the right-front of the fence near the brick building and along the back-right side of the fence; the top strand of barbed-wire was broken and the barbed-wire separators did not face outward as a 45-degree angle along the left-back corner; there were barbed-wire separators disconnected from their vertical poles or bent at 90-degree and 180-degree angles, multiple locations with loose or tangled barbed-wire, and excessive vegetation along the back of the fence; there were barbed-wire separators not attached to the vertical bar and large gaps between the fence and barbed wire along the right-side of the fence; and there were three large holes under the fence at the front-left corner.
21. 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, at the Southside Pump Station, the fluoride chemical injector line was leaking chemical, the self-contained breathing apparatus ("SCBA") only had 10 pounds of air remaining, the 16-mesh for the vent on High Service Pump No. 1 had a hole, and the roof vent on the 3.0 MG GST contained rust.
22. 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, at the Beulah EST, the fence had a broken strand of barbed-wire along the front-left side.
23. Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v). Specifically, at the Beulah EST, there was broken electrical wiring conduit tubing and a missing electrical face plate.
24. 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, at Well No. 12, there was an issue with the electrical panel that was causing a loud humming noise.

25. 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, at the Martinsville EST, there were two holes under the right-front corner of the fence directly next to and under the front gate.
26. Failed to ensure that all clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6). Specifically, at the Martinsville EST, there was a leak on the piping for the sample tap and feet-of-water gauge.
27. 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, at the Southside Pump Station, the fence had a gap under the middle right corner; there was excessive vegetation growing along the left-back corner to middle-back; all of the barbed-wire separators were bent upward at a 180-degree angle; and the fence was not at least six feet tall along the middle-left side.
28. 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, at Well No. 8, the generator had a low coolant error and was not properly working.
29. 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, at Well No. 5, there was excessive vegetation along the right-front, right, and right-back sides of the fence, and there were barbed-wire separators that were not supported by a vertical bar and were bent at a 90-degree angle.
30. 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, at Well No. 14, the scales for the gas chlorine cylinders were not reading correctly and the automatic actuator was broken.
31. Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage which is readily available outside the chlorinator room and immediately available to the operator in the event of an emergency, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(A). Specifically, at Well No. 16, there was no small bottle of fresh ammonia solution for the gas chlorine facilities.
32. 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 2019, 2020, and 2021 tank inspection forms note that the roof hatch was not sealing at the Post Oak 5 MG GST, and the 2021 tank inspection form notes that the roof vent had holes and the roof hatch was rusted at the Central Heights North GST.
33. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(iv), and (f)(3)(D)(ii). Specifically, records of calibration for laboratory equipment, flow meters, rate-of-flow controllers, on-line

- turbidimeters, and on-line disinfectant residual analyzers, and the results of inspections for all water storage and pressure maintenance facilities were not maintained on-site for review.
34. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission, in violation of 30 TEX. ADMIN. CODE § 290.111(h). Specifically, on May 31, 2021, the nephelometric turbidity unit ("NTU") recorded for NTU5 was incorrect and there were various inaccuracies with how the NTUs were recorded for the maximum individual filter effluent for Filter Nos. 1, 2, and 3.
 35. Failed to ensure that all chemicals and any additional or replacement process media used in treatment of water supplied by public water systems conforms to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61 for Drinking Water System Components, in violation of 30 TEX. ADMIN. CODE § 290.42(j). Specifically, the air compressor lubricant used by the water system on its air compressors for water pressure maintenance was "Interstate Pneumatics YL10-016 Non-Detergent Compressor Oil", which was not food grade and did not conform with ANSI/NSF Standard 61.
 36. 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, at the Moore Plant, the fire-suppression GST had heavy mildew on its exterior and the wiring for the GST's supervisory control and data acquisition ("SCADA") system was severed, and the Moore EST's overflow pipe contained excessive rust and there was a hole in the underside of the overflow pipe.
 37. Failed to meet the conditions for an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(5). Specifically, the Respondent was granted an exception for the surface overflow rate of sludge blanket clarifiers and did not follow the conditions by collecting a settled water turbidity sample for each superpulsator during each 8-hour shift, but instead was collecting only one sample from each superpulsator per day.
 38. Failed to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, two BPAs for Walmart No. 163 had not been tested since May 20, 2019, three BPAs for Frogs Sport Bar and Grill had not been tested since September 6, 2019, and the BPA at Parker-Hannifin Corporation was not tested annually from May 18, 2018, to March 16, 2020.
 39. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Well No. 12, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F). Specifically, the Facility's sanitary control easement for Well No. 12 does not include the area east of the well that crosses over United States Highway 59.
 40. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3). Specifically, copies of the sanitary control easements for the Facility's Well Nos. 13, 14, and 16 were not available for review.
 41. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX.

- ADMIN. CODE § 290.46(n)(2). Specifically, the distribution map did not show that the waterline on Sarah Anne Street ended at the last residence located on that street.
42. Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5). Specifically, nitrite and nitrate were not being monitored quarterly at the entry point from January 19, 2021 to January 6, 2022, and for the third quarter of 2021 in the distribution system.
 43. Failed to inspect the exterior of the Facility's pressure tanks annually and the interior of the Facility's pressure tanks at least once every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B). Specifically, the exterior of the Southwest Pump Station Pressure Tank and Central Heights North Pressure Tank was not inspected annually since 2019, and neither tank had an interior inspection in the last five years.
 44. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent with an opening 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, at Well No. 16, the well casing vent was completely detached, leaving the hole open to the atmosphere and was not covered by a screening material.
 45. 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 air relief valve at Well No. 16 was not covered by a screening material.
 46. Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Post Oak Pressure Plane had 6,289 connections requiring a service pump capacity of 12,578 gpm. However, only 10,820 gpm were provided, indicating a 14% deficiency.
 47. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Central Heights North Pressure Plane had 206 connections requiring a total storage capacity of 41,200 gallons. However, only 33,000 gallons were provided, indicating a 20% deficiency.
 48. 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, at the SWTP, there was vegetation and trees growing between the strands of barbed wire of the intruder-resistant fence.
 49. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, the Facility's abandoned Well No. 4 had not been tested or plugged.

50. Failed to provide the air release devices on treated waterlines with a 16-mesh or finer corrosion-resistant screening material so as to preclude the possibility of submergence or possible entrance of contaminants, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(F). Specifically, at the Southwest Pump Station and the Low Plant, the muffler-like attachment on the air release device and the end of the long tube for the second air release device for the LP2, LP3, LP4 service pumps, the air release device and muffler-like attachment for the second air release device on the central pipe of the pump room of both locations, and the end of the long tube for the air release device for the MP3 and MP4 service pumps were not covered with a screening material.
51. 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 at the gate valve for the main distribution line at Well No. 7, and a leak in the flow meter at Well No. 11.

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 Nacogdoches, Docket No. 2022-0306-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 \$80,029 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. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and

- equipment, including repairing Service Pump No. 3 at the Low Plant, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- ii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including fixing the leak in the fluoride chemical injector line, addressing the low air pressure in the SCBA, repairing the hole in the 16-mesh of the vent on High Service Pump No. 1, and repairing the rust on the roof vent of the 3.0 MG GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Secure the electrical wiring in compliance with a local or national code at the Beulah EST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the excessive vegetation and fixing the barbed-wire separators at Well No. 5, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of properly completed, signed and certified SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.111;
 - vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the roof hatch at the Post Oak 5 MG GST, and repairing the roof vent and roof hatch at the Central Heights North GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - vii. Begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing 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 sampling; and
 - viii. Conduct an annual exterior inspection and an interior inspection at least once every five years of the Southwest Pump Station Pressure Tank and Central Heights North Pressure Tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.vi and 3.a.viii.
 - c. Within 60 days after the effective date of this Order:
 - i. Begin maintaining all pumps, motors, valves, and other mechanical devices in good working condition including, but not limited to repairing

- or replacing Filter No. 7 at the SWTP, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- ii. Begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including but not limited to the leak at the mechanical seals on Service Pump Nos. 3 and 5 at the Post Oak Pump Station, and a leak at the gasket for the air relief valve for Well No. 14, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Begin using an approved chemical or media that is ANSI/NSF Standard 61 certified for the air compressor lubricant used for the air compressors for water pressure maintenance, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - iv. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the heavy mildew on the exterior of and repairing the wiring for the SCADA system for the fire-suppression GST, and removing the excessive rust within and repair the hole in the underside of the overflow pipe of the Moore EST, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - v. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the two BPAs for Walmart No. 163 and the three BPAs for Frogs Sport Bar and Grill, in accordance with 30 TEX. ADMIN. CODE § 290.44.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i through 3.c.v.
- e. Within 90 days after the effective date of this Order:
- i. Plug the abandoned public water supply Well Nos. 5 and 10 with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 12, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing or replacing the access ladder for the Austin EST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- iv. Keep on file copies of well completion data for the Facility's Well Nos. 13, 14, and 16 as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), including but not limited to copies of the sanitary control easements, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- v. Provide an air gap for the filter-to-waste connection, in accordance with 30 TEX. ADMIN. CODE § 290.42, or obtain Commission approval of an exception to the requirements pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- vi. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including cleaning the significant rust on the seams, downward pipes, the 90-degree elbow joints, and the bolts that connect the pipes together for Filter Nos. 5, 6, 7, 8, and 10, and cleaning the significant rust on the air vent to the junction box; and repairing the oil leak on the rake motor for the sludge tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - vii. Ensure 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, including but not limited to addressing the multiple deficiencies of the fence surrounding the Post Oak Pump Station, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - viii. Ensure 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, including but not limited to addressing the multiple deficiencies of the fence surrounding the Southside Pump Station, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.e.i through 3.e.viii.
 - g. Within 180 days after the effective date of this Order:

- i. Provide the Low Pressure Plane with an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide the Post Oak Pressure Plane with a service pump capacity that provides the pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide the Central Heights North Pressure Plane with total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.g.i through 3.g.iii.
- i. 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.vii. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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

Krista Mello-Jurack

11/25/2025

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 OAG 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 OAG 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

Richard B. Beverlin III

Title

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

City Manager

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: 2022-0306-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Nacogdoches
Penalty Amount:	\$80,029
SEP Offset Amount:	\$80,029
Type of SEP:	Compliance
Project Name:	<i>Well Plugging</i>
Location of SEP:	Nacogdoches 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 (the “Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to plug two wells, which included demolition of the pump foundations and furnishing, at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the plugging of two wells (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 provide a discernible environmental benefit by preventing groundwater contamination and protecting aquifers. Plugging inactive or abandoned wells prevents pollutants such as chemicals, bacteria, and other harmful substances from reaching and compromising the groundwater supply, which is vital for drinking water. Properly plugging these wells also helps maintain the integrity and stability of aquifer systems. By sealing these wells, it will enhance environmental conservation efforts, improve water quality monitoring, and prevent issues like ground subsidence. Additionally, proper well plugging ensures compliance with regulations, safeguarding both the environment and public health. Overall, this practice supports the sustainable use and protection of critical water resources in the state.

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
Plugging of Wells #5 and #10	\$211,787
Total	\$211,787

2. Records

As of July 12, 2024, 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. Copies of State of Texas Plugging Report for each well, as required;
6. A detailed map showing the specific location of the project site(s); and
7. Photographs 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.