Order Type:

1660 Agreed Order

**Findings Order Justification:** 

N/A **Media:** PWS

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

City of Paducah PWS, 1015 Backus Street, Paducah, Cottle County

**Type of Operation:** Public water supply

**Other Significant Matters:** 

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0971-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this

matter but does not wish to speak at Agenda. **Texas Register Publication Date:** December 8, 2023

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$50,015

**Amount Deferred for Expedited Settlement:** \$10,003

**Total Paid to General Revenue:** \$1,127 **Total Due to General Revenue:** \$38,885

Payment Plan: 35 payments of \$1,111 each

**Compliance History Classifications:** 

Person/CN - High Site/RN - N/A

Major Source: No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

**Investigation Information** 

Complaint Date(s): January 3, 2022

**Complaint Information:** Alleged a public water supply system was not properly

operated and maintained and was providing turid water.

**Date(s) of Investigation:** January 28, 2022 through February 9, 2022

**Date(s) of NOE(s):** March 31, 2022

#### Violation Information

- 1. 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, sand trap nos. 1 and 2 had minor leaks [30 Tex. ADMIN. CODE § 290.46(m)(4)].
- 2. Failed to flush all dead-end mains at monthly intervals. Specifically, the dead-end mains at 8th Street and Boehner Street, 10th Street and Easly Street, and 10th Street and Birdy Street were not being flushed monthly [30 Tex. Admin. Code § 290.46(l)].
- 3. Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, a pressure reading obtained on January 28, 2022, on Farm-to-Market Road 1037 displayed a reading of 25 psi [30 Tex. ADMIN. CODE §§ 290.44(d) and 290.46(r)].
- 4. 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 system map did not include the waterline on Farm-to-Market Road 1037 [30 Tex. ADMIN. CODE § 290.46(n)(2)].
- 5. Failed to inspect the Facility's three ground storage tanks ("GSTs") annually [30 Tex. Admin. Code § 290.46(m)(1)(A)].
- 6. 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"). Specifically, the additional protection provided at the carwash was a double check valve. However, according to 30 Tex. Addin. Code § 290.47(f), commercial car wash facilities are assessed as health hazards and require either a reduced pressure backflow assembly or an air gap [30 Tex. Addin. Code § 290.44(h)(1)(A)].
- 7. 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. Specifically, the BPA at the carwash had not been tested on an annual basis [30 Tex. Admin. Code § 290.44(h)(4)].
- 8. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 Tex. ADMIN. CODE § 290.42(l)].
- 9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the manual disinfectant residual analyzer had not been calibrated and there were no chlorine solutions of known concentrations to verify the accuracy [30 Tex. ADMIN. CODE § 290.46(s)(2)(C)(i)].

- 10. Failed to provide all GSTs with a liquid level indicator. Specifically, the float with a moving target indicator was broken on the 100,000-gallon GST [30 Tex. ADMIN. CODE § 290.43(c)(4)].
- 11. Failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 13 [30 Tex. ADMIN. CODE § 290.41(c)(1)(D)].
- 12. 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, Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 were not in use and had not been tested or plugged [30 Tex. ADMIN. CODE § 290.46(u)].
- 13. Failed to prevent a water connection from the public drinking water supply system to any residence or establishment where an actual or potential contamination hazard exists without ensuring the public water facilities are protected from contamination. Specifically, there was a direct connection to cattle troughs with no air gap or backflow prevention device at Well Nos. 7 and 14; Well No. 3 had a hose attached directly to the well that was laying on the ground and did not have a backflow prevention device; Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 had direct openings to the atmosphere; and Well Nos. 1, 2, 3, 9, and 12 had wooden enclosures surrounding the wellhead that were filled with dirt [30 Tex. Admin. Code § 290.44(h)(1)].
- 14. Failed to provide all potable water storage tanks and pressure maintenance facilities with a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the fence around the pump station had loose barbed wire and the top bar of the fence was missing [30 Tex. Admin. Code § 290.43(e)].
- 15. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on January 28, 2022, free chlorine residual concentrations of 0.03 mg/L were measured at the dead-end flush valve located on Farm-to-Market Road 1037 [30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)].

#### Corrective Actions/Technical Requirements

#### **Corrective Action(s) Completed:**

The Respondent implemented a corrective measure at the Facility by maintaining a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times by January 29, 2022.

# **Technical Requirements:**

The Order will require the Respondent to:

#### a. Within 30 days:

- i. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive compliant monthly flushing;
- ii. Determine the cause of noncompliance, and make any necessary repairs or adjustments to the Facility, and maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting;
- iii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies;
- iv. Conduct an inspection of the Facility's three GSTs;
- v. Ensure that a proper backflow prevention assembly or air gap is provided at the location where an actual or potential contamination hazard exists, including but not limited to the carwash;
- vi. Verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations; and
- vii. Prevent a water connection from the public drinking water supply system to any residence or establishment where an actual or potential contamination hazard exists without ensuring the public water facilities are protected from contamination, including but not limited to the direct connection to cattle troughs with no air gap or backflow prevention device at Well Nos. 1, 2, 3, 6, 7, 9, 10, 11, 12 and 14.
- b. Within 45 days, submit written certification to demonstrate compliance with a.ii. through a.vii.
- c. Within 60 days:
- i. 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 sand traps nos. 1 and 2;
- ii. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the backflow prevention assembly at the carwash;
- iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;

- iv. Provide the 100,000-gallon GST with a functional liquid level indicator; and
- v. Ensure that livestock in pastures are not allowed within 50 feet from the Facility's Well No. 13.
- 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. 1, 2, 3, 6, 9, 10, 11, 12, and 14 with cement or submit test results proving that the wells are in a non-deteriorated condition; and
- ii. Provide all potable water storage tanks and pressure maintenance facilities with 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 repairing the fence around the pump station that has loose barbed wire and missing top bar.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 135 days, submit written certification to demonstrate compliance with a.i.

#### **Contact Information**

TCEQ Attorney: N/A

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

**Respondent:** The Honorable Rodger Brannen, Mayor, City of Paducah, P.O. Box 759,

Paducah, Texas 79248

Respondent's Attorney: N/A



Notes

**PAYABLE PENALTY** 

# Penalty Calculation Worksheet (PCW)

\$40,012

Policy Rev	vision 5 (January 28,	2021)			PCW Revision	n February 11, 2021
DATES Assigned						
PCW	4-Apr-2022	Screening 4-Apr-2	022 EPA Due			
RESPONDENT/FACILI		.ON				
Reg. Ent. Ref. No.	City of Paducah					
Facility/Site Region			Major/I	Minor Source	Minor	
racinty/ Site Region	J-Abilette		inajoi / i	Millor Source	MINIO	
CASE INFORMATION						
Enf./Case ID No.	62160		No.	of Violations	15	
	2022-0385-PWS			Order Type		
Media Program(s)		pply		t/Non-Profit		
Multi-Media			Enf.	Coordinator		
Admin Banaka A		φ <u>τ</u> ο Μ	<del></del>	EC's Team	Enforcement Teal	m 8
Admin. Penalty \$ I	Limit Minimum	\$50 Maximu	<b>m</b> \$5,000			
		Penalty Cald	culation Secti	ion		
<b>TOTAL BASE PENA</b>	LTY (Sum of	violation base pe	enalties)		Subtotal 1	\$30,350
	•	-	•			. ,
<b>ADJUSTMENTS (+</b>	/-) TO SUBT	OTAL 1				
		g the Total Base Penalty (Su				
Compliance Hi	story	65	.0% Adjustment	Subto	tals 2, 3, & 7	\$19,727
	Enhancement for	or one NOV with the sa	me/similar violations	s, one agreed		
Notes		ng a denial of liability, a		•		
110103		ability. Reduction for H				
	4011141 01 11					
Culpability	No	0	.0% Enhancement		Subtotal 4	\$0
Carpasiney	110		10 70 Emaneement			
Notes	The Re	espondent does not me	et the culpability crit	teria.		
		•				
Good Faith Eff	ort to Comply 1	Total Adjustments			Subtotal 5	-\$62
Economic Ben	efit	0	.0% Enhancement*		Subtotal 6	\$0
	Total EB Amounts	\$1,358	Capped at the Total EB \$	\$ Amount		
Estimated	Cost of Compliance	\$23,527				
CUM OF CURTOTA	1017			_		+== -4=
SUM OF SUBTOTA	LS 1-/			F	inal Subtotal	\$50,015
OTHER FACTORS A			0.0%		Adjustment	\$0
Reduces or enhances the Fina	Subtotal by the indi	cated percentage.			İ	
Notes						
Notes						
				Final Don	l nalty Amount	\$50,015
				rinai Peli	arty Amount	φ <del>3</del> 0,013
STATUTORY LIMIT	Γ ΔDILISTME	NT		Final Asse	ssed Penalty	\$50,015
STATUTURE LIMIT	ADJUSTINE	<b>4</b> 1		i iliai Asse	55eu renalty	450,015
DEFERRAL			20.0%	Reduction	Adjustment	-\$10,003
Reduces the Final Assessed Pe	enalty by the indicate	ed percentage.	20.0%	Reduction	Aujustillelit	-φ10,003
	, . ,	· · · · · · · · · · · · · · · · · · ·				

Deferral offered for expedited settlement.

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Screening Date 4-Apr-2022 **Respondent** City of Paducah

**Case ID No.** 62160

Reg. Ent. Reference No. RN101385029

**Media** Public Water Supply

Enf. Coordinator Ryan Byer

		EIII. COO	Compliance History Worksheet			
>>	Co		ory Site Enhancement (Subtotal 2)			
		Component	Number of	Number	Adjust.	
		NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%	
			Other written NOVs	0	0%	
			Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%	
		Orders	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		50%	
		Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0	0%	
	Decrees final court judgments and default judgments, or non-adjudicated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial of liability, of this stated final court judgments are consent decrees without a denial court judgment final court judgme		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 (number of events)	0	0%	
	Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legisla 1995 (number of audits for which notices were submitted)		Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Aud Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0	0%	
			Environmental management systems in place for one year or more	No	0%	
		Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
		<b>5</b> u 5.	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 Per	centage (Sub	total 2) [	75%
>>	Re	peat Violator (	(Subtotal 3)			
		N/A	Adjustment Per	centage (Sub	total 3) [	0%
>>	Co	mpliance Histo	ory Person Classification (Subtotal 7)			
		High Perf	ormer Adjustment Per	centage (Sub	total 7) [	-10%
>>	Co	mpliance Histo	ory Summary			
		Compliance History Notes	Enhancement for one NOV with the same/similar violations, one agreed order con of liability, and two agreed orders without a denial of liability. Reduction for High Classification.	_		
			Total Compliance History Adjustment Percentage (S	Subtotals 2,	<i>3,</i> & <i>7)</i> [	65%
>>	Fina	I Compliance	History Adjustment Final Adjustment Percent	age *capped a	at 100% [	65%

Screen	ning Date	4-Apr-2022		Doc	<b>ket No.</b> 2022-0385	-PWS-E	PCW
	•	City of Paducah	ı			Policy	Revision 5 (January 28, 2021)
	se ID No.					PC	W Revision February 11, 2021
Reg. Ent. Refei		Public Water Su	unnly				
Enf. Co	ordinator		ірріу				
	on Number						
R	lule Cite(s)		20 To	v Admin Cod	e § 290.46(m)(4)		
			30 16	x. Aumin. Cou	e g 290.46(III)(4)		
Violation Description facilities,			stribution syste	em lines, and	nits, storage and press related appurtenance Specifically, sand trap cs.	s in a watertight	
						Base Penalty	\$5,000
>> Environmenta	al, Proper	ty and Huma		Matrix			
	Release	Major	<b>Harm</b> Moderate	Minor			
OR	Actual				_		
	Potential		Х		Percent	5.0%	
>>Programmation	Matrix						
	alsification	Major	Moderate	Minor	<b>D</b> anas and <b>C</b>	0.004	
<u> </u>					Percent	0.0%	
Matrix	Failure to ma	aintain the sand	traps in a wat	ertight condit	ion could expose pers	ons served by the	
Matrix Notes	Facility to a	a significant amo			would not exceed lev	els protective of	
			nu	ıman health.			
					Adjustment	\$4,750	
							\$250
						'	
<b>Violation Events</b>							
	Number of \	/iolation Events	2		66 Number of	violation days	
		daily weekly monthly					
		quarterly semiannual	Х		Viola	tion Base Penalty	\$500
		annual					
		single event					
	Two quarterly	v events are rec	ommended o	ne for each ca	nd trap, calculated fro	om the date of the	
		•			of screening, April 4,		
<b>Good Faith Effort</b>	s to Com	ply	0.0%			Reduction	\$0
		E	Before NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer		, ,
		Extraordinary					
		Ordinary N/A					
				ent does not n	neet the good faith cr	iteria for	
		Notes	Kooponde		iolation.		
					,	Violation Subtotal	\$500
<b>Economic Benefit</b>	t (EB) for	this violatio	n		Statutor	y Limit Test	
	Estimate	ed EB Amount		\$113	Violation F	inal Penalty Total	\$825
	LJennate	Amount				-	·
			This viola	ation Final A	ssessed Penalty (a	ijusted for limits)	\$825

	E	conomic	Benefit	Wor	ksheet			
Respondent	City of Paduca	h						
Case ID No.								
Reg. Ent. Reference No.	RN101385029							
	Public Water S	Supply					Years of	
Violation No.						<b>Percent Interest</b>	Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Itom Description	Item Cost	Date Required	rillai Date	113	Titlerest Saveu	Costs Saveu	LB Allibuilt	
Item Description								
Doloved Coata								
Delayed Costs		1		0.00	±0	<b>#</b> 0	¢Ω	
Equipment Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0	
Engineering/Construction				0.00	\$0 \$0	\$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)	\$500	24-Apr-2019	15-Dec-2022	3.65	\$91	n/a	\$91	
Other (as needed)	\$500	28-Jan-2022	15-Dec-2022	0.88	\$22	n/a	\$22	
Notes for DELAYED costs	The first delayed cost includes the estimated amount to repair the leak on sand trap no. 1, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.  The second other delayed cost includes the estimated amount to repair the leak on sand trap no. 2, calculated from the date of the investigation to the estimated date of compliance.							
Avoided Costs	ANNU	ALIZE avoided o	osts before en	terina	item (except for	one-time avoided	L 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		\$113	

		ing Date	•		Do	<b>cket No.</b> 2022-0385-PWS	S-E	PCW
		•	City of Paducal	า				Revision 5 (January 28, 2021)
Pog		se ID No.	62160 RN101385029				PCV	V Revision February 11, 2021
Keg.	Liit. Keiei		Public Water S	unnly				
	Enf. Cod	ordinator		аррту				
	Violatio	on Number						
	R	ule Cite(s)		30	Tex. Admin. (	Code § 290.46(I)		
	Violation D	Description	mains at 8th	Street and Bo	ehner Street	othly intervals. Specifically, , 10th Street and Easly Stre e not being flushed monthly	et, and 10th	
							Base Penalty	\$5,000
>> Env	vironment	al, Propei	rty and Hun		Matrix			
OD		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual Potential		X		Percent 5.	0%	
		roteiitiai		Х		Percent 5.	0%	
>>Prog	grammati				<b>.</b>			
	F	alsification	Major	Moderate	Minor	Percent 0.	0%	
						i ereent	o 70	
	Matrix Notes					uld expose persons served l not exceed levels protective		
						Adjustment	\$4,750	
							1 /	\$250
								<b>\$230</b>
Violatio	on Events							
		Number of V	iolation Events	1		66 Number of viola	tion days	
			daily weekly monthly quarterly			Violation	Base Penalty	\$250
			semiannual annual single event				,	, , , , , , , , , , , , , , , , , , , ,
	C	One quarterly				the date of the investigation 1, April 4, 2022.	, January 28,	
Good F	aith Effort	ts to Com		0.0%			Reduction	\$0
			Extraordinary	Before NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Ordinary					
			N/A	Х				
			Notes	The Respond		meet the good faith criteria violation.	for	
						Viola	tion Subtotal	\$250
Econon	nic Benefi	t (EB) for	this violati	on		Statutory Li	mit Test	
		Estimate	ed EB Amount		\$8	<b>Violation Final</b>	Penalty Total	\$413
				This viol	ation Final	Assessed Penalty (adjust	ed for limits)	\$413
				THIS VIOL	acion i mai i	noocoocu renaity (aujust	ca ioi mints)	<b>р</b> 413

	E	conomic	Benefit	Woi	rksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
		S					Years of
	Public Water S	supply				<b>Percent Interest</b>	
Violation No.	2						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
rem bescription							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$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	7-Jul-2021	13-Feb-2023	1.61	\$8	n/a	\$8
	The delayed	sost includes the	actimated amo	unt to i	nitiata a manthly f	luching program the	t includes all
No. 1 DELAYED	•					lushing program the	
Notes for DELAYED costs	dead-end m	iains, caiculated fi				documenting the vio	plation to the
			estimate	ed date o	of compliance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	terina	item (except for	one-time avoided	L 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		¢Ω
Approx. Cost of Compliance		\$100			IUIAL		\$8

	Screen	ing Date	4-Apr-2022		Dock	<b>et No.</b> 2022-0385-PWS-E		PCW
		•	City of Paducah	1			Policy Re	evision 5 (January 28, 2021)
		e ID No.					PCW	Revision February 11, 2021
Reg. I	Ent. Refere		RN101385029					
	Enf Coo		Public Water Su	ıpply				
		rdinator n Number	<u> </u>					
		ule Cite(s)	5	20.7				
				30 Tex. Adm	in. Code §§ 290	).44(d) and 290.46(r)		
	Violation D	escription	throughout th during emerge	e distribution s encies such as f	system under no firefighting. Sp	35 pounds per square inch (" ormal operating conditions and ecifically, a pressure reading o ad 1037 displayed a reading o	d 20 psi obtained	
						Base	Penalty	\$5,000
>> Env	/ironmenta	al, Propei	rty and Hum	an Health	Matrix			
			_	Harm				
OR		<b>Release</b> Actual	Major	Moderate	Minor			
		Potential		Х		Percent 5.0%		
>>Prog	grammatic							
	Fa	alsification	Major	Moderate	Minor	Percent 0.0%		
						Percent 0.0%		
	IVISTRIV	in backflow	or siphonage ar	nd expose pers	ons served by t	ibution system at all times ma he Facility to a significant amo otective of human health.		
						Adjustment	\$4,750	
							Г	\$250
								Ψ230
Violatio	on Events							
	r	Number of N	/iolation Events	1		66 Number of violation of	lave	
	'	vuilibei oi v	riolation Events	1		66 Number of violation of	iays	
			daily					
			weekly					
			monthly quarterly	V		Violation Base	Denalty	\$250
			semiannual	X		Violation base	remaity	\$230
			annual					
			single event					
	O	ne quarterly	y event is recom	nmended, calcu	lated from the	date of the investigation, Janu	uary 28,	
			202	22, to the date	of screening, A	pril 4, 2022.		
Good Fa	aith Effort	s to Com		0.0%			eduction	\$0
			The state of the s	sefore NOE/NOV	NOE/NOV to EDPRP	/Settlement Offer		
			Extraordinary					
			Ordinary N/A	V				
			Notes	The Responde	nt does not med this viol	et the good faith criteria for ation.		
			l			Violation	Subtotal [	\$250
Econon	nic Benefit	(EB) for	this violation	on		Statutory Limit		¥230
					± ¬		_	± 4.4.0
		Estimate	ed EB Amount		\$7	Violation Final Pena	icy rotal	\$413
				This viola	ation Final Ass	essed Penalty (adjusted fo	r limits)	\$413

	E	conomic	Benefit	Woı	rksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.	RN101385029						
	Public Water S						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
7.0.00.01.110.	J					5.0	15
	Itom Cost	Data Baguirad	Final Date	Vec	Interest Saved	Costs Saved	EB Amount
· · ·	Item Cost	Date Required	rinai Date	Yrs	Interest Saveu	Costs Saved	EB Amount
Item Description							
Delayed Costs		1		7			1.0
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 ¢0	\$0 #0	\$0 #0
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$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	7-Jul-2021	15-Nov-2022		\$7	n/a	\$7
	The delaye	d cost includes th	e estimated am	ount to	determine the cau	se of noncompliance	e make any
	,					pressure of 35 psi t	
Notes for DELAYED and		•		•			
Notes for DELAYED costs		•				emergencies such	0 0.
	calculated fr	om the date of th	ie investigation	•	_	iolation to the estir	nated date of
				compli	ance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	ntering	item (except for	one-time avoided	l 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		\$7

	Screening Date	· ·	Docket No.	2022-0385-PWS-E	PCW
	Respondent Case ID No.				Policy Revision 5 (January 28, 2021)  PCW Revision February 11, 2021
Rea.	Ent. Reference No.				PCW Revision rebidary 11, 2021
9-		Public Water Supply			
	<b>Enf. Coordinator</b>	Ryan Byer			
	Violation Number				
	Rule Cite(s)	30 T	ex. Admin. Code § 290.4	6(n)(2)	
	Violation Description	Failed to make available an so that valves and mains of the distribution system map	an be easily located duri	ng emergencies. Specific	ally,
				Base Pe	nalty \$5,000
>> En	vironmental, Prope	rty and Human Health	Matrix		
	Release	<b>Harm</b> Major Moderate	Minor		
OR	Actual		MINO		
	Potential			Percent 0.0%	
>>Pro	grammatic Matrix				
	<u>Falsification</u>	Major Moderate	Minor		
			Х	Percent 1.0%	
	Matrix Notes	Less than 30% of the	e rule requirements were	not met.	
			Ad	justment \$	4,950
					\$50
Violati	on Events				
		/iolation Events 1	66	Number of violation days	5
		daily weekly monthly quarterly semiannual annual single event		Violation Base Pe	nalty \$50
		One single	event is recommended.		
Good F	aith Efforts to Com	ply 0.0%		Redu	uction \$0
		Extraordinary Ordinary N/A x	NOE/NOV to EDPRP/Settleme	nt Offer	
			lent does not meet the g this violation.	ood faith criteria for	
				Violation Sub	ototal \$50
Econo	mic Benefit (EB) for	this violation		<b>Statutory Limit Te</b>	st
	Estimat	ed EB Amount	\$12	Violation Final Penalty	Total \$83
		This vio	· · · · · · · · · · · · · · · · · · ·	Penalty (adjusted for li	
		THIS VIO	nation Filial ASSESSEA I	renaity (aujusteu 101 II	\$65

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	upply					Years of
Violation No.		пирріу				<b>Percent Interest</b>	Depreciation
Violation No.	4						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Permit Costs				0.00	\$0 \$0	n/a	\$0 \$0
Other (as needed)	\$180	7-Jul-2021	15-Nov-2022		\$0 \$12	n/a n/a	\$12
Other (as needed)	\$100	7-341-2021	13-1101-2022	1.50	\$12	TI/ a	\$12
	The delayed of	cost includes the e	estimated amou	nt to ma	ake available an ad	ccurate and up-to-d	ate map of the
Notes for DELAYED costs	distribution sy	stem so that valv	es and mains c	an be ea	asily located during	emergencies, calcu	ulated from the
	date of t	he investigation i	nitially docume	nting the	e violation to the e	stimated date of co	mpliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before er		<u> </u>	one-time avoided	-
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
cuiei (as ilecaea)		JI		0.00	ΨΟ	Ψ0	Ψ0
Notes for AVOIDED costs							
		1100					110
Approx. Cost of Compliance		\$180			TOTAL		\$12

	Screening D	The state of the s	<b>Docket No.</b> 2022-0385-PWS-E	PCW
	Case ID	City of Paducah		evision 5 (January 28, 2021)  / Revision February 11, 2021
Reg.	Ent. Reference			r Revision rebrudry 11, 2021
_		dia Public Water Supply		
	Enf. Coordina			
	Violation Num Rule Cite	)(s)		
			30 Tex. Admin. Code § 290.46(m)(1)(A)	
	Violation Descrip	Failed to inspect th	e Facility's three ground storage tanks ("GSTs") annually.	
			Base Penalty	\$5,000
>> En	vironmental, Pro	perty and Human He	ealth Matrix	
	Rele	<b>Har</b> <b>ase</b> Major Mode		
OR	Ac	tual		
	Pote	ntial x	Percent 5.0%	
>>Pro	grammatic Matr	ix		
	Falsificat			
			Percent 0.0%	
		uld expose persons served	on an annual basis could cause the non-detection of defects by the Facility to a significant amount of contaminants which eed levels protective of human health.	
			Adjustment \$4,750	
				\$250
Violati	on Events			
Violati				
	Number	of Violation Events 3	66 Number of violation days	
		daily weekly monthly		
		quarterly	Violation Base Penalty	\$750
		semiannual annual		
		single event x		
		Three single ever	nts are recommended, one for each tank.	
Good F	aith Efforts to C		D.0% Reduction	\$0
		Before NO Extraordinary	E/NOV NOE/NOV to EDPRP/Settlement Offer	
		Ordinary		
		N/A x		
		Notes The Re	spondent does not meet the good faith criteria for this violation.	
			Violation Subtotal	\$750
Econoi	mic Benefit (EB)	for this violation	Statutory Limit Test	
	Esti	mated EB Amount	\$129 Violation Final Penalty Total	\$1,238
		Th	is violation Final Assessed Penalty (adjusted for limits)	\$1,238
			, , , , , , , , , , , , , , , , , , , ,	, ,

	Economic Benefit Worksheet										
Respondent Case ID No.	62160										
Reg. Ent. Reference No.  Media  Violation No.	Public Water S					Percent Interest	Years of Depreciation				
2.0.00.0						5.0	15				
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount				
Item Description		•									
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	\$123	28-Jan-2022	1E Nov 2022	0.00	\$0 \$5	n/a n/a	\$0 \$5				
Other (as needed)	\$123	<u> 20-Jaii-2022</u>	15-1100-2022	0.80	\$5	II/d	\$5				
Notes for DELAYED costs	tanks	s), calculated from	the date of the	investi	gation to the estin	inspections (\$41 penated date of compl	iance.				
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	l 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	\$123	28-Jan-2022	4-Apr-2022	0.18	\$1	\$123	\$124				
Other (as needed)				0.00	\$0	\$0	\$0				
Notes for AVOIDED costs	The avoided	The avoided cost includes the estimated amount to conduct annual GST inspections (\$41 per tank x three tanks), calculated from the date of the investigation to the date of screening.									
Approx. Cost of Compliance		\$246			TOTAL		\$129				

	E	conomic	Benefit '	ıoW	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply					Years of
Violation No.		, арр. у				<b>Percent Interest</b>	Depreciation
7.0.00.0.110.1	ŭ					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Équipment	\$1,000	28-Jan-2022	15-Nov-2022	0.80	\$3	\$53	\$56
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	The delayed c	ost includes the e	stimated amoun	t to end	sure the appropria	te additional protect	ion is provided
Notes for DELAYED costs						calculated from the	
Notes for DELATED costs	in the for	•					date of the
		IIIV	estigation to the	esum	ated date of compl	iance.	
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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		\$56

	Screening Da			Docke	et No. 2022-0385-PWS-E	PCW
		ent City of Paducah			Pol	licy Revision 5 (January 28, 2021)
D	Case ID I					PCW Revision February 11, 2021
Reg.	Ent. Reference I	dia Public Water Su	ınnly			
	Enf. Coordina		ірріу			
	<b>Violation Num</b>					
	Rule Cite	e(s)	30 Tex.	. Admin. Code	§ 290.44(h)(4)	
	Violation Descript	recognized ba	ckflow assembl	y tester and ce	lation and on an annual basis by a crtified that they are operating within carwash had not been tested on an sis.	
					Base Pena	<b>Ity</b> \$5,000
>> Env	vironmental, Pro	perty and Hum		1atrix		
OR	<b>Rele</b> Ac	<b>ase</b> Major tual	Harm Moderate	Minor		
	Potei	ntial <u>x</u>			Percent 15.0%	
>>Pro	grammatic Matr	ix				
, ,	Falsificat		Moderate	Minor		
					Percent 0.0%	
	Matrix		of contaminant		ne device is operating properly which the water mains which would exceed the lealth.	
					Adjustment \$4,2	250
						\$750
\/:						77.55
Violatio	on Events					
	Number	of Violation Events	3		66 Number of violation days	
		daily weekly monthly quarterly semiannual annual single event	X		Violation Base Pena	lty \$2,250
	Three m		commended, ca 022, to the date		the date of the investigation, Januar April 4, 2022.	У
Good F	aith Efforts to C	omply	0.0%		Reducti	on \$0
		В	efore NOE/NOV N	OE/NOV to EDPRP/	Settlement Offer	
		Extraordinary Ordinary				
		N/A	X			
		Notes		nt does not mee this viola	et the good faith criteria for ation.	
					Violation Subto	<b>tal</b> \$2,250
Econon	nic Benefit (EB)	for this violation	on		Statutory Limit Test	
	Estii	nated EB Amount		\$35	<b>Violation Final Penalty To</b>	tal \$3,713
			This viola	tion Final Ass	essed Penalty (adjusted for limi	<b>ts)</b> \$3,713
					, (,	75/. 25

	Economic Benefit Worksheet										
Respondent Case ID No. Reg. Ent. Reference No.	62160 RN101385029										
Media Violation No.	Public Water S 7	Supply				Percent Interest	Years of Depreciation				
						5.0	15				
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount				
Item Description											
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 Other (as needed)	\$100	28-Jan-2022	15-Dec-2022	0.00	\$0 \$4	n/a n/a	\$0 \$4				
Notes for DELAYED costs	an annual specifica	basis by a recognitions, calculated f	ized backflow as from the date of	sembly the inv	tester and certifed estigation to the e	are tested upon ins d that they are oper stimated date of co	rating within mpliance.				
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided					
Disposal				0.00	\$0	\$0	\$0				
Personnel				0.00	\$0	\$0	\$0				
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0				
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0				
ONE-TIME avoided costs	\$31	28-Jan-2022	4-Apr-2022	0.18	\$0 \$0	\$31	\$31				
Other (as needed)	<u> </u>	20-Jan-2022	4-Apr-2022	0.00	\$0 \$0	\$0 \$0	\$0				
	The avoided c	ost includes the e		t to tes	<u> </u>	rwash, calculated f					
Approx. Cost of Compliance		\$131			TOTAL		\$35				

	Screening Date	4-Apr-2022		Docke	et No. 2022-0385-PWS-E		PCW
	Respondent					Policy R	evision 5 (January 28, 2021)
	Case ID No.	62160				PCW	Revision February 11, 2021
Reg.	Ent. Reference No.	RN101385029					
		Public Water Sup	ylq				
	<b>Enf. Coordinator</b>	•	. ,				
	<b>Violation Number</b>	8					
	Rule Cite(s)	,	30 Te	ex. Admin. Code	s 290 42(I)		
			50 16	ex. Admin. Code	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
	Violation Description	Failed to compile		n a thorough an erator review a	d up-to-date plant operation nd reference.	is manual	
					Base	e Penalty	\$5,000
> > Em.	direnmental Drene	what speed that the	m Waalth N	Antuin			
>> Env	vironmental, Prope	rty and Huma	ın Heaith M Harm	atrix			
	Release	Major	Moderate	Minor			
OR	Actual						
	Potential				Percent 0.0%		
_							
>>Pro	grammatic Matrix	NA :		<b>N</b> 4.			
	Falsification		Moderate	Minor	Percent 10.0%		
		X			<b>Percent</b> 10.0%		
	Matrix Notes	100%	% of the rule re	equirements we	ere not met.		
						+ 4 500	
					Adjustment	\$4,500	
							\$500
> <i>r</i> - 1							
Violatio	on Events						
	Number of \	/iolation Events	1		66 Number of violation	davs	
	Namber of	daily weekly monthly quarterly semiannual annual			Violation Base		\$500
		single event	X				
			One single ev	ent is recomme	ended.		
Good F	aith Efforts to Com	ply	0.0%			Reduction	\$0
				IOE/NOV to EDPRP/			т •
		Extraordinary					
		Ordinary					
		N/A	Х				
		Notes	he Responder	nt does not mee this viola	et the good faith criteria for ation.		
					Violation	Subtotal	\$500
Fconor	nic Benefit (EB) for	this violation	n		Statutory Limit	Test	
			-		-	_	
	Estimate	ed EB Amount		\$8	Violation Final Pena	alty Total	\$825
			This viola	tion Final Ass	essed Penalty (adjusted fo	or limits)	\$825
			<u> </u>		, ,	- /	, -

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		ouppry				<b>Percent Interest</b>	Depreciation
violation No.	8						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	1.100		15.5	0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Jan-2022	15-Dec-2022	0.88	\$8	n/a	\$8
Notes for DELAYED costs	operations	manual, caculate	d from the date	of the i	nvestigation to the	n a thorough and up e estimated date of	compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	
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		\$8

	Screening Dat	<b>e</b> 4-Apr-2022	<b>Docket No.</b> 2022-0385-PWS-E		PCW
		t City of Paducah		Policy Re	evision 5 (January 28, 2021)
	Case ID No	62160		PCW	Revision February 11, 2021
Reg.	<b>Ent. Reference No</b>	RN101385029			, ,
		a Public Water Supply			
	Enf. Coordinate				
	<b>Violation Number</b>				
	Rule Cite(s	30 Tex	. Admin. Code § 290.46(s)(2)(C)(i)		
		50 TEX	7 / (1) / (1) / (1)		
		Failed to verify the accura-	cy of the manual disinfectant residual analyze	r at least	
		once every 90 days using o	chlorine solutions of known concentrations. Sp		
	Violation Description	nii · · · · ·	dual analyzer had not been calibrated and the	• •	
		chlorine solutions of	of known concentrations to verify the accuracy	<b>/</b> .	
			Bas	se Penalty	\$5,000
					Ψ5,000
>> Env	ironmental, Prop	erty and Human Health	Matrix		
	Dalaas	Harm Madamata	Minor		
OR	<b>Releas</b> Actu		Minor		
	Potent		Percent 5.0%	1	
		X	3.070	ı	
>>Prog	grammatic Matrix				
	Falsification	n Major Moderate	Minor	1	
			Percent 0.0%		
	Matrix	· · · · · · · · · · · · · · · · · · ·	al disinfectant residual analyzer could result in		
	Notes detection of		nd potentially expose persons served by the F		
	Significan	amount of contaminants which	h would not exceed levels protective of humar	i neaith.	
			A 45	+4.750	
			Adjustment	\$4,750	
					\$250
Violatio	on Events				
	Number o	f Violation Events 1	66 Number of violation	davs	
	Trainiber o	Tolation Events 1	Transcr of Violation	aays	
		daily			
		weekly			
		monthly	Violetian Base	D	+250
		quarterly semiannual	Violation Bas	se Penaity_	\$250
		annual			
		single event x	j		
			avent is necessary and ad		
		One single	event is recommended.		
<b>Good F</b>	aith Efforts to Cor	nply 0.0%		Reduction	\$0
			NOE/NOV to EDPRP/Settlement Offer		
		Extraordinary			
		Ordinary			
		N/A x		1	
		The Respond	dent does not meet the good faith criteria for		
		Notes	this violation.		
				1	
			Violation	n Subtotal	\$250
Econor	nic Benefit (EB) fo	r this violation	Statutory Limit	t Test	
	Estim	ited EB Amount	\$9 Violation Final Pen	alty Total	\$413
		This vi	olation Final Assessed Penalty (adjusted	for limits)	\$413

	E	conomic	Benefit '	Woi	rksheet				
Respondent									
Case ID No.		11							
Reg. Ent. Reference No.							V		
	Public Water S	upply				<b>Percent Interest</b>	Years of		
Violation No.	9						Depreciation		
						5.0	15		
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>		
Item Description									
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	±00	20.1 2022	15 Nov. 2022	0.00	\$0	n/a	\$0		
Training/Sampling	\$80	28-Jan-2022	15-Nov-2022	0.80	\$3 \$0	n/a	\$3		
Remediation/Disposal Permit Costs				0.00	\$0	n/a n/a	\$0 \$0		
Other (as needed)	\$5	28-Jan-2022	15-Nov-2022		\$0	n/a	\$0 \$0		
cuiei (as ileaaca)									
	The training/sampling delayed cost includes the estimated amount to purchase chlorine solutions of known concentrations to verify the accuracy of the manual disinfectant residual analyzer, calculated from the date								
	concentrations	•	•		timated date of cor	•	a from the date		
Notes for DELAYED costs		or the	investigation to	the est	imated date of col	прпапсе.			
Notes for DELATED Costs	The other	dolayed cost inclu	ides the estimate	ad ama	unt to properly ve	rify the accuracy of	the manual		
		-				rify the accuracy of			
		•		•		solutions of knowned date of compliant	-		
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided			
Disposal Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0		
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0 \$0		
Supplies/Equipment				0.00	\$0	\$0	\$0 \$0		
Financial Assurance				0.00	\$0	\$0	\$0		
ONE-TIME avoided costs	\$5	19-Mar-2019	4-Apr-2022	3.05	\$1	\$5	\$6		
Other (as needed)			·	0.00	\$0	\$0	\$0		
	The avoided	sost includes the	actimated amour	at to vo	rify the accuracy o	of the manual disinf	octant recidual		
Notes for AVOIDED sorts					-	of the manual disinf			
Notes for AVOIDED costs	analyzer at le	-				concentration, calcu	lated from the		
		date	e or the last call	oration	to the date of scre	ening.			
Approx. Cost of Compliance		\$90			TOTAL		\$9		
••		430					7.7		

	Screening Date	4-Apr-2022	<b>Docket No.</b> 2022-0385-PWS-E	PCW
	Respondent	City of Paducah		Policy Revision 5 (January 28, 2021)
	Case ID No.	62160		PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN101385029		, ,
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)		30 Tex. Admin. Code § 290.43(c)(4)	
			30 Text. Adminit. Code § 250.43(c)(4)	
		Failed to provide all CS	To with a liquid level indicator. Specifically, the fleat w	ith a
	<b>Violation Description</b>	-	Is with a liquid level indicator. Specifically, the float windicator was broken on the 100,000-gallon GST.	iui a
		moving target	marcator was broken on the 100,000 ganon dor.	
			Base Pe	<b>nalty</b> \$5,000
>> Env	ironmental, Proper	ty and Human Hoal	th Matrix	
// CIIV	ii oiiiiileiitai, Piopei	ty and numan near		
	Release	Major Modera		
OR	Actual			
	Potential		X Percent 3.0%	
_				
>>Prog	rammatic Matrix	NA : NA !		
	Falsification	Major Modera		
			Percent 0.0%	
	Failure to pro	vide a functional liquid le	vel indicator may not allow the operator to make neces	sary
		•	ge calculations which could expose persons served by the	•
			contaminants which would not exceed levels protective	
			human health.	
			Adjustment \$4	4,850
				\$150
				<b>4233</b>
Violatio	n Events			
	Number of \	/iolation Events <u>1</u>	66 Number of violation days	
		daily		
		weekly		
		monthly		
		quarterly	Violation Base Pe	nalty \$150
		semiannual		
		annual		
		single event x		
		One si	ngle event is recommended.	
		Offe Sil	igie event is recommenueu.	
Good Fa	aith Efforts to Comp	oly 0.	0% Redu	ction \$0
		Before NOE/	NOV NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A x		
		The Pec	condent does not meet the good faith criteria for	
		Notes Notes	condent does not meet the good faith criteria for this violation.	
			this violation.	
			M-1-11-1 0 1	1450
			Violation Sub	total \$150
Econom	nic Benefit (EB) for	this violation	Statutory Limit Tes	st
	Ectimate	ed EB Amount	\$13 Violation Final Penalty	Total \$248
	LStillati			
		This	s violation Final Assessed Penalty (adjusted for li	mits) \$248

	E	conomic	Benefit	Wor	rksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply					Years of
Violation No.		ларрту				<b>Percent Interest</b>	Depreciation
Violation ito:	10					5.0	
	<b>-</b>						15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		V		_			
Equipment	\$200	28-Jan-2022	15-Dec-2022	0.88	\$1	\$12	\$13
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land				0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	The deleved					. fl +	a banaab lianiid
						e float with a movin	
Notes for DELAYED costs	ievei indicati	or on the 100,000	•			he investigation to	the estimated
			da	te of cor	npliance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before er	nterina	item (except for	one-time avoided	l 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							
		1555					
Approx. Cost of Compliance		\$200			TOTAL		\$13

	Screening Date	4-Apr-2022	<b>Docket No.</b> 2022-0385-PWS-E	PCW
	Respondent	City of Paducah	Policy	Revision 5 (January 28, 2021)
	Case ID No.			SW Revision February 11, 2021
Rea	Ent. Reference No.			
ixeg.		Public Water Supply		
	Enf. Coordinator			
	Violation Number			<b>a</b>
	Rule Cite(s)	30 Tex	c. Admin. Code § 290.41(c)(1)(D)	
				╣
	Violation Description	Failed to ensure that lives	tock in pastures are not allowed within 50 feet of the Facility's Well No. 13.	
			,	
				]
			Base Penalty	\$5,000
>> Fn	vironmental. Prone	rty and Human Health	Matrix	
		Harm		
	Release		Minor	
OR	Actual			
	Potential	X	Percent 5.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
				3
	Matrix	•	om the well could expose persons served by the Facility	
	Notes to a signif	icant amount of contaminants	which would not exceed levels protective of human	
	Notes		health.	
				_
			Adjustment \$4,750	
				\$250
				Ψ233
Violati	on Events			
	Number of '	Violation Events 1	66 Number of violation days	
			1	
		daily		
		weekly		
		monthly	Violetien Bess Benelte	+250
		quarterly x	Violation Base Penalty	\$250
		semiannual annual		
		single event		
		Single event		
				1
	One quarter		culated from the date of the investigation, January 28,	
		2022, to the date	e of screening, April 4, 2022.	
_				
Good I	Faith Efforts to Com	ply 0.0%	Reduction	\$0
			NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary		
		N/A x		
		The Despend	ant does not most the good faith critoria for	
		Notes The Respond	ent does not meet the good faith criteria for this violation.	
			tilis violation.	
		·		1050
			Violation Subtotal	\$250
Econo	mic Benefit (EB) for	this violation	Statutory Limit Test	
	Estimat	ed EB Amount	\$9 Violation Final Penalty Total	\$413
			<u>.</u>	
		This vio	lation Final Assessed Penalty (adjusted for limits)	\$413

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		опры				<b>Percent Interest</b>	Depreciation
Violation ivo.	11						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 #0	n/a	\$0
Permit Costs Other (as needed)	\$200	28-Jan-2022	15-Doc-2022	0.00	\$0 \$9	n/a n/a	\$0 \$9
Other (as needed)	\$200	20-Jaii-2022	13-Dec-2022	0.00	<u> </u>	II/ d	\$9
	The deleved						thin FO fact of
Notes for DELAYED costs						care not allowed wi	
	the Facility's V	veli No. 13, calcul	ated from the d	ate of ti	ne investigation to	the estimated date	of compliance.
Avoided Costs	ANNU	<u>ALIZE avoided c</u>	<u>osts before en</u>			one-time avoided	
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		1		0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		<u> </u>		0.00	<u>\$U</u>	\$0	\$0
Notes for AVOIDED costs							
					TOTAL		\$9

	Scree	ning Date	4-Apr-2022		Dock	et No. 2022-0385-PWS-E		PCW
		<del>-</del>	City of Paducah				Policy R	evision 5 (January 28, 2021)
_		ase ID No.					PCV	V Revision February 11, 2021
Reg.	Ent. Refe		RN101385029					
	Enf Co	media ordinator	Public Water Sup	oply				
		tion Number						
		Rule Cite(s)		20.7	Fox Admin Cod	o S 200 46(u)		
				30	Гех. Admin. Cod	e g 290.46(u)		
	Violation	Description	with 16 Tex. Ad non-deteriorated	min. Code ch d condition.	n. 76 or submit to Specifically, Wel	upply well with cement in accest results proving that the value of the subsection of	vell is in a	
						Bas	e Penalty	\$5,000
>> Env	vironmen	tal, Prope	rty and Huma		Matrix			
		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual	- , -	rioderate	1 111101			
		Potential	Х			<b>Percent</b> 15.0%		
> > D###		ie Matrix						
>>Pro	grammat	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	_							
	Matrix Notes	Failure to pl	_			ource water to be contamina ctive of human health.	ted with	
						Adjustment	\$4,250	
							Г	\$750
								•
Violatio	on Events	S						
		Number of V	/iolation Events	27		66 Number of violation	days	
			daily weekly monthly quarterly semiannual annual single event	X		Violation Bas		\$20,250
		Twenty-Seve	•		•	ents per well x nine wells), or date of screening.	calculated	
Good F	aith Effo	rts to Com	nly	0.0%			Reduction	\$0
			Be Extraordinary Ordinary N/A	fore NOE/NOV	NOE/NOV to EDPRP	et the good faith criteria for	Reduction	ΨÜ
						Violation	   Subtotal	\$20,250
Econor	mic Benef	fit (EB) for	this violatio	n		Statutory Limit	t Test	
			_		4065		_	#22 442
		Estimate	ed EB Amount		\$865	Violation Final Pen	_	\$33,413
				This viol	ation Final Ass	essed Penalty (adjusted f	or limits)	\$33,413

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply					Years of
Violation No.		лирргу				<b>Percent Interest</b>	Depreciation
Violation No.	12						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction		<u> </u>		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 #0	n/a	\$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)	\$18,000	28-Jan-2022	14-lan-2023	0.00	\$865	n/a	\$865
Notes for DELAYED costs	The delayed nine we	cost includes the ells), calculated fro	estimated amo om the date of t	he inve	olug or test the aba stigation to the es	andoned wells (\$2,0 timated date of com	00 per well x
Avoided Costs	ANNU	ALIZE avoided c	<u>osts before en</u>			one-time avoided	
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		\$18,000			TOTAL		\$865

	E	conomic	Benefit	Woi	rksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.	RN101385029						
	Public Water S	upply					Years of
Violation No.						<b>Percent Interest</b>	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	rtein cost	Date Required	i mai bacc	113	Interest Savea	costs surcu	LD Amount
reem bescription							
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	+1 500	20.1	4 E N 2022	0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Jan-2022			\$60	n/a	\$60
						nnection from the p	
						ntion device at Well	
		•			_	id not have a backfl	
Notes for DELAYED costs	device at Well	No. 3; direct ope	enings to the at	mosphe	re at Well Nos. 1, 1	2, 3, 6, 9, 10, 11, 1	2, and 14; and
	wooden enclo	sures surroundin	g the wellhead	that we	re filled with dirt a	t Well Nos. 1, 2, 3,	9, and 12 had
	until the	public water facil	ities are protect	ed from	contamination, ca	alculated from the d	ate of the
		inv	estigation to th	e estima	ated date of compl	iance.	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	item (except for	one-time avoided	l 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		\$60

	Screening Date	4-Apr-2022	Docket No.	2022-0385-PWS-E	PCW
		City of Paducah		Policy F	Revision 5 (January 28, 2021)
_	Case ID No.			PCI	N Revision February 11, 2021
Reg.	Ent. Reference No.				
	Enf. Coordinator	Public Water Supply			
	Violation Number				
	Rule Cite(s)		Tex. Admin. Code § 290	43(a)	
		30	Text Adminit Code 3 250	. 13(0)	
	Violation Description	facilities with a lockable enclosed by an intruder-re	building that is designed s sistant fence with lockable	and pressure maintenance to prevent intruder access or e gates. Specifically, the fence d the top bar of the fence was	
				Base Penalty	\$5,000
>> Env	ironmental, Prope	erty and Human Healt	h Matrix		
	Release	<b>Harm</b> Major Moderate	Minor		
OR	Actua				
	Potentia		X	Percent 3.0%	
>>Pro	grammatic Matrix				
, , , , ,	Falsification	Major Moderate	Minor	<u></u>	
				Percent 0.0%	
				y the Facility to an insignificant	
	Notes amou	nt of contaminants which wo	uid not exceed levels prot	ective of numan health.	
			A d	ljustment \$4,850	
			Au	justilient \$4,000	
					\$150
Violatio	on Events				
				<b>7.</b>	
	Number of	Violation Events 1	66	Number of violation days	
		daily			
		weekly			
		monthly quarterly	_	Violation Base Penalty	\$150
		semiannual	<b>=</b>	Violation base I charty	Ψ130
		annual			
		single event x			
		One single	e event is recommended.		
Good F	aith Efforts to Con			Reduction	\$0
		Before NOE/NON Extraordinary	/ NOE/NOV to EDPRP/Settleme	ent Offer	
		Ordinary		1	
		N/A x		<u> </u>	
		The Respon	dent does not meet the g	ood faith criteria for	
		Notes	this violation.	ood faltif criteria for	
	nio Donafit (FD) C	u Abia vialatia		Violation Subtotal	\$150
Econon	nic Benefit (EB) fo	this violation		Statutory Limit Test	
	Estimat	ted EB Amount	\$34	<b>Violation Final Penalty Total</b>	\$248
		This vi	olation Final Assessed	Penalty (adjusted for limits)	\$248
		11113 41		(aajactea ter iiiite)	Ψ2 10

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	Supply					Years of
Violation No.		ларрту				<b>Percent Interest</b>	Depreciation
Violation No.	14					F 0	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-Jan-2022	14-Jan-2023	0.96	\$2	\$32	\$34
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 \$0	n/a n/a	\$0 \$0
Other (as needed)		<u> </u>		0.00	<u>\$U</u>	II/d	\$U
	The delayed	cost includes the	estimated amou	unt to re	epair the loose bar	bed wire and replac	e the missing
Notes for DELAYED costs	•				•	ate of the investiga	
	30 / 30 3			•	of compliance.		
					<u> </u>		
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
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		\$34

	Screening Date	4-Apr-2022	<b>Docket No.</b> 2022-0385-PWS-E	PCW
	• • • • • • • • • • • • • • • • • • •	City of Paducah		Policy Revision 5 (January 28, 2021)
_	Case ID No.			PCW Revision February 11, 2021
Reg.	Ent. Reference No.			
	Media Enf. Coordinator	Public Water Supply		
	Violation Number			
	Rule Cite(s)		90.46(d)(2)(A) and 290.110(b)(4) and Tex. H	Health &
			Safety Code § 341.0315(c)	
			tant residual of at least 0.2 milligrams per lite	,
	<b>Violation Description</b>		t the distribution system at all times. Specifications of 0.03 mg/L were	
			sh valve located on Farm-to-Market Road 103	
			Bas	se Penalty \$5,000
>> E	ivenmental Drener	durand Urrean Haalth	Makein	
>> ENV	ironmentai, Propei	ty and Human Health   Harm	матгіх	
	Release	<del> </del>	Minor	
OR	Actual		<b>.</b>	1
	Potential	Х	Percent 5.0%	
>>Proc	grammatic Matrix			
•	Falsification	Major Moderate	Minor	
			Percent 0.0%	
			ection could expose persons served by the Fac	·
	Notes significant a	amount or contaminants which	n would not exceed levels protective of humar	i nearth.
			Adinatus	¢4.750
			Adjustment	\$4,750
				\$250
Violatio	on Events			
	Number of	Violation Events 1	1 Number of violation	days
		daily		
		weekly		
		monthly	Violation Pag	co Populty #250
		quarterly <u>x</u> semiannual	Violation Bas	se Penalty \$250
		annual		
		single event		
	One quarter		culated from the date of the investigation, Jar f compliance, January 29, 2022.	nuary 28,
		2022/ to the date o	t compilative, salidary 23, 2022.	
Good F	aith Efforts to Com	ply 25.0%		Reduction \$62
			NOE/NOV to EDPRP/Settlement Offer	
		Extraordinary		
		Ordinary x		
		N/A		]
		Notes The Respo	ndent achieved compliance on January 29, 2022.	
			2022.	
			Violation	n Subtotal \$188
Econon	nic Benefit (EB) for	this violation	Statutory Limit	t Test
		ed EB Amount	\$0 Violation Final Pen	
	Estillat			-
		This vio	plation Final Assessed Penalty (adjusted	for limits) \$351

	E	conomic	Benefit	Woi	rksheet		
Respondent	City of Paduca	h					
Case ID No.							
Reg. Ent. Reference No.							
		unnly					Years of
	Public Water S	ouppry				<b>Percent Interest</b>	Depreciation
Violation No.	15						
						5.0	15
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	EB Amount
Item Description							
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	28-Jan-2022		0.00	\$0	n/a	\$0
	•					se of noncompliance	
Notes for DELAYED costs						ctant residual of at I	
Notes for DELATED Costs	free chlorine t	hroughout the dis	tribution systen	n, calcul	ated from the date	e of the investigation	n to the date of
				complia	ance.		
Avoided Costs	ANNU	ALIZE avoided o	osts before er	tering	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							
Notes for Avoided costs							
•							
Approx. Cost of Compliance		\$100			TOTAL		\$0
		, , , ,					, -

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600629836, RN101385029, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or CN600629836, City of Paducah Classification: HIGH Rating: 0.00

Owner/Operator:

Regulated Entity: RN101385029, CITY OF PADUCAH Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

**Location:** 1015 BACKUS STREET IN PADUCAH, COTTLE COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0510001

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

**Date Compliance History Report Prepared:** April 04, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 04, 2017 to April 04, 2022

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

**Name:** Ryan Byer **Phone:** (512) 239-2571

#### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

1 Effective Date: 08/23/2017 ADMINORDER 2016-1116-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(I)(4)

30 TAC Chapter 290, SubChapter D 290.39(I)(5)

Rqmt Prov: Provision 2.c.ii ORDER

Description: Failed to meet the conditions of an issued exception. Specifically, the Respondent was granted an exception to the individual well meter requirement and did not follow the conditions by failing to calibrate the master meter at least once every 12 months and verify the flow capacity of each individual well at least once every 12 months within 30 days of the master meter's

calibration.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Rqmt Prov: Provision No.2.e.i ORDER

Description: Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the Facility's two sand traps were rusty and needed to be repainted.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Ramt Prov: Provision No.2.c.iii ORDER

Description: Failed to obtain sanitary control easements that cover the land within 150 feet of the Facility's 12 wells.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to ensure that potable water storage tanks and pressure maintenance facilities are installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates. Specifically, the fence behind the rear sand trap was bent and the three-strand barbed wire along the top of the fence was

not adequately positioned so as to prevent intruder access.

Classification: Minor

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the chemical and microbiological plan did not include a distribution schematic of sample locations, entry points to the distribution system, and chemical feed points, nor a written description.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)

Description: Failed to compile and maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

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, there is only one vent located approximately midway up on the door to the enclosure in which chlorine gas is being stored or fed.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupation Safety and Health Administration ("OSHA") standards and is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(0)

Description: Failed to protect all completed well units by intruder-resistant fences, the gates of which are provided with locks or enclose all completed well units in locked, ventilated well houses to exclude possible contamination or damage to the facilities by trespassers. Specifically, well house no. 7 was missing the lower portion of the door to the well house.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D)

Description: Failed to ensure that livestock in pastures are not allowed within 50 feet of water supply wells. Specifically, the fencing around the wells was not maintained so as to prevent livestock from being within 50 feet of the wells and cow manure was noted less than 50 feet from several well enclosures.

2 Effective Date: 10/26/2017 ADMINORDER 2016-0216-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAY/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 05/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time

period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 3Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 2Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR PN 1Q2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: AUG/2013 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 08/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAR/2013 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 03/2013.

3 Effective Date: 06/02/2020 ADMINORDER 2019-1739-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to use a water works operator who holds an applicable, valid license issued by the Executive Director. Specifically, an unlicensed individual had been collecting daily residual samples for compliance purposes.

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

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

 Item 1
 April 27, 2018
 (1482268)

 Item 2
 June 24, 2019
 (1576176)

 Item 3
 May 04, 2020
 (1645006)

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

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

1 Date: 08/27/2021 (1755062)

Self Report? NO Classification: Minor

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

Description: Failure to flush all dead-end mains.

Self Report? NO Classification: Minor

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

Description: Failure to maintain a minimum pressure of 35 psi in the distribution system. Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failure to have flush valves on the dead-end main located on FM 1037.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to have an up-to-date distribution system map.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain a 0.2 mg/L free chlorine residual in the distribution system at all

imes.

# F. Environmental audits:

N/A

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

N/A

# H. Voluntary on-site compliance assessment dates:

N/A

# I. Participation in a voluntary pollution reduction program:

N/A

# J. Early compliance:

N/A

#### **Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN § BEFORE THE
ENFORCEMENT ACTION §
CONCERNING § TEXAS COMMISSION ON
CITY OF PADUCAH §
RN101385029 § ENVIRONMENTAL QUALITY

# AGREED ORDER DOCKET NO. 2022-0385-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 Paducah (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 toge	ther stipulate that:

- 1. The Respondent owns and operates a public water supply located at 1015 Backus Street in Paducah, Cottle County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 590 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. Admin. Code § 290.38(71).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code § 7.002 and Tex. Health & Safety Code § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 and Tex. Health & Safety Code § 341.031 because it alleges violations of Tex. Health & Safety Code ch. 341 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$50,015 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$1,127 of the penalty and \$10,003 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.

The remaining amount of \$38,885 of the undeferred penalty shall be paid in 35 monthly payments of \$1,111 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately

due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

- 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 a corrective measure at the Facility by maintaining a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times by January 29, 2022.

# II. ALLEGATIONS

During an investigation conducted on January 28, 2022, through February 9, 2022, an investigator documented that the Respondent:

- 1. 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, sand trap nos. 1 and 2 had minor leaks.
- 2. Failed to flush all dead-end mains at monthly intervals, in violation of 30 Tex. Admin. Code § 290.46(l). Specifically, the dead-end mains at 8th Street and Boehner Street, 10th Street and Easly Street, and 10th Street and Birdy Street were not being flushed monthly.
- 3. Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, in violation of 30 Tex. Admin. Code §§ 290.44(d) and 290.46(r). Specifically, a pressure reading obtained on January 28, 2022, on Farm-to-Market Road 1037 displayed a reading of 25 psi.
- 4. 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 system map did not include the waterline on Farm-to-Market Road 1037.

- 5. Failed to inspect the Facility's three ground storage tanks ("GSTs") annually, in violation of 30 Tex. Admin. Code § 290.46(m)(1)(A).
- 6. 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), in violation of 30 Tex. Admin. Code § 290.44(h)(1)(A). Specifically, the additional protection provided at the carwash was a double check valve. However, according to 30 Tex. Admin. Code § 290.47(f), commercial car wash facilities are assessed as health hazards and require either a reduced pressure backflow assembly or an air gap.
- 7. 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, the BPA at the carwash had not been tested on an annual basis.
- 8. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 Tex. ADMIN. CODE § 290.42(l).
- 9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 Tex. ADMIN. CODE § 290.46(s)(2)(C)(i). Specifically, the manual disinfectant residual analyzer had not been calibrated and there were no chlorine solutions of known concentrations to verify the accuracy.
- 10. Failed to provide all GSTs with a liquid level indicator, in violation of 30 Tex. Admin. Code § 290.43(c)(4). Specifically, the float with a moving target indicator was broken on the 100,000-gallon GST.
- Failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 13, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(1)(D).
- 12. 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, Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 were not in use and had not been tested or plugged.
- 13. Failed to prevent a water connection from the public drinking water supply system to any residence or establishment where an actual or potential contamination hazard exists without ensuring the public water facilities are protected from contamination, in violation of 30 Tex. ADMIN. CODE § 290.44(h)(1). Specifically, there was a direct connection to cattle troughs with no air gap or backflow prevention device at Well Nos. 7 and 14; Well No. 3 had a hose attached directly to the well that was laying on the ground and did not have a backflow prevention device; Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 had direct openings to the atmosphere; and Well Nos. 1, 2, 3, 9, and 12 had wooden enclosures surrounding the wellhead that were filled with dirt.
- 14. Failed to provide all potable water storage tanks and pressure maintenance facilities with a lockable building that is designed to prevent intruder access or enclosed by an

City of Paducah DOCKET NO. 2022-0385-PWS-E Page 4

intruder-resistant fence with lockable gates, in violation of 30 Tex. Admin. Code § 290.43(e). Specifically, the fence around the pump station had loose barbed wire and the top bar of the fence was missing.

15. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 Tex. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c). Specifically, on January 28, 2022, free chlorine residual concentrations of 0.03 mg/L were measured at the dead-end flush valve located on Farm-to-Market Road 1037.

# 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 Paducah, Docket No. 2022-0385-PWS-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 Tex. Admin. Code § 290.46. This provision will be satisfied upon three months of consecutive compliant monthly flushing;
    - ii. Determine the cause of noncompliance, and make any necessary repairs or adjustments to the Facility, and maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting, in accordance with 30 Tex. ADMIN. CODE §§ 290.44 and 290.46;
    - iii. 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 accordance with 30 Tex. Admin. Code § 290.46;

- iv. Conduct an inspection of the Facility's three GSTs, in accordance with 30 Tex. Admin. Code § 290.46;
- v. Ensure that a proper backflow prevention assembly or air gap is provided at the location where an actual or potential contamination hazard exists, including but not limited to the carwash, in accordance with 30 Tex. Admin. Code § 290.44;
- vi. Verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
- vii. Prevent a water connection from the public drinking water supply system to any residence or establishment where an actual or potential contamination hazard exists without ensuring the public water facilities are protected from contamination, including but not limited to the direct connection to cattle troughs with no air gap or backflow prevention device at Well Nos. 1, 2, 3, 6, 7, 9, 10, 11, 12 and 14, in accordance with 30 Tex. Admin. Code § 290.44.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii through 2.a.vii.
- c. Within 60 days after the effective date of this Order:
  - i. 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 sand traps nos. 1 and 2, in accordance with 30 Tex. ADMIN. CODE § 290.46;
  - ii. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the backflow prevention assembly at the carwash, in accordance with 30 Tex. Admin. Code § 290.44;
  - iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 Tex. Admin. Code § 290.42;
  - iv. Provide the 100,000-gallon GST with a functional liquid level indicator, in accordance with 30 Tex. Admin. Code § 290.43; and
  - v. Ensure that livestock in pastures are not allowed within 50 feet from the Facility's Well No. 13, in accordance with 30 Tex. ADMIN. CODE § 290.41.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other

records to demonstrate compliance with Ordering Provision Nos. 2.c.i through 2.c.v.

- e. Within 90 days after the effective date of this Order:
  - i. Plug the abandoned public water supply Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the wells are in a non-deteriorated condition, in accordance with 30 Tex. Admin. Code § 290.46; and
  - ii. Provide all potable water storage tanks and pressure maintenance facilities with 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 repairing the fence around the pump station that has loose barbed wire and missing top bar, 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. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 135 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 6. 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.
- 7. 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.
- 8. 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.

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#### **SIGNATURE PAGE**

# TEXAS COMMISSION ON ENVIRONMENTAL OUALITY

For the Commission	Date 12/22/2023		
Cunt			
For the Executive Director	Date		
I, the undersigned, have read and understar			

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;

City of Paducah

- 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

| 111 | 2023 | Date
| 111 | 2023 | Date
| Name (Printed or typed) | Title
| Authorized Representative of

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