

Executive Summary – Enforcement Matter – Case No. 62160

City of Paducah

RN101385029

Docket No. 2022-0385-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of 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 turbid water.

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

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

Executive Summary – Enforcement Matter – Case No. 62160

City of Paducah

RN101385029

Docket No. 2022-0385-PWS-E

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 Easley 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. 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 [30 TEX. ADMIN. 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)].

Executive Summary – Enforcement Matter – Case No. 62160

City of Paducah

RN101385029

Docket No. 2022-0385-PWS-E

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:

Executive Summary – Enforcement Matter – Case No. 62160

City of Paducah

RN101385029

Docket No. 2022-0385-PWS-E

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;

Executive Summary – Enforcement Matter – Case No. 62160

City of Paducah

RN101385029

Docket No. 2022-0385-PWS-E

- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	4-Apr-2022			
	PCW	4-Apr-2022	Screening	4-Apr-2022	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Paducah				
Reg. Ent. Ref. No.	RN101385029				
Facility/Site Region	3-Abilene		Major/Minor Source	Minor	

CASE INFORMATION					
Enf./Case ID No.	62160		No. of Violations	15	
Docket No.	2022-0385-PWS-E		Order Type	1660	
Media Program(s)	Public Water Supply		Government/Non-Profit	Yes	
Multi-Media			Enf. Coordinator	Ryan Byer	
			EC's Team	Enforcement Team 8	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,350
---	-------------------	----------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	65.0%	Adjustment	Subtotals 2, 3, & 7	\$19,727
---------------------------	-------	-------------------	--------------------------------	----------

Notes

Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability. Reduction for High Performer Classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
--	-------------------	-------

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

Total EB Amounts	\$1,358
Estimated Cost of Compliance	\$23,527

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$50,015
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$50,015
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$50,015
-----------------------------------	-------------------------------	----------

DEFERRAL	20.0%	Reduction	Adjustment	-\$10,003
-----------------	-------	------------------	-------------------	-----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$40,012
------------------------	----------

Screening Date	4-Apr-2022	Docket No.	2022-0385-PWS-E	PCW
Respondent	City of Paducah			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62160			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101385029			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date		4-Apr-2022	Docket No.		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					
Media		Public Water Supply					
Enf. Coordinator		Ryan Byer					
Violation Number		1					
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)(4)					
Violation Description		Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, sand trap nos. 1 and 2 had leaks.					
				Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix							
OR	Release		Harm				
		Major	Moderate	Minor			
	Actual						
	Potential		x		Percent	5.0%	
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
					Percent	0.0%	
Matrix Notes	Failure to maintain the sand traps in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.						
				Adjustment		\$4,750	
						\$250	
Violation Events							
Number of Violation Events		2		66		Number of violation days	
	daily						
	weekly						
	monthly						
	quarterly	x		Violation Base Penalty			
	semiannual			\$500			
	annual						
	single event						
Two quarterly events are recommended, one for each sand trap, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.							
Good Faith Efforts to Comply		0.0%		Reduction		\$0	
	Extraordinary			Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Ordinary						
	N/A	x					
Notes	The Respondent does not meet the good faith criteria for this violation.						
				Violation Subtotal		\$500	
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		\$113		Violation Final Penalty Total		\$825	
This violation Final Assessed Penalty (adjusted for limits)				\$825			

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
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	<p>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.</p> <p>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.</p>						

Avoided Costs

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

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

Approx. Cost of Compliance	\$1,000	TOTAL	\$113
----------------------------	---------	-------	-------

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

4-Apr-2022
City of Paducah
62160
RN101385029
Public Water Supply
Ryan Byer

Docket No.

2022-0385-PWS-E

PCW

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

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(I)

Violation Description

Failed to flush all dead-end mains at monthly intervals. Specifically, the dead-end mains at 8th Street and Boehner Street, 10th Street and Easley Street, and 10th Street and Birdy Street were not being flushed monthly.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

x

semiannual

annual

single event

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$8

Violation Final Penalty Total

\$413

This violation Final Assessed Penalty (adjusted for limits)

\$413

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	7-Jul-2021	13-Feb-2023	1.61	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a monthly flushing program that includes all dead-end mains, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$8

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

4-Apr-2022
City of Paducah
62160
RN101385029
Public Water Supply
Ryan Byer

Docket No.

2022-0385-PWS-E

PCW

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

Violation Number

3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)

Violation Description

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.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

x

semiannual

annual

single event

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$7

Violation Final Penalty Total

\$413

This violation Final Assessed Penalty (adjusted for limits)

\$413

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	7-Jul-2021	15-Nov-2022	1.36	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$7
----------------------------	-------	-------	-----

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

4-Apr-2022
City of Paducah
62160
RN101385029
Public Water Supply
Ryan Byer

Docket No.

2022-0385-PWS-E

PCW

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

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(n)(2)

Violation Description

Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the distribution system map did not include the waterline on Farm-to-Market Road 1037.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Harm

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

1.0%

Matrix Notes

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

Adjustment

\$4,950

\$50

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$50

Economic Benefit (EB) for this violation

Estimated EB Amount

\$12

Statutory Limit Test

Violation Final Penalty Total

\$83

This violation Final Assessed Penalty (adjusted for limits)

\$83

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	7-Jul-2021	15-Nov-2022	1.36	\$12	n/a	\$12
Notes for DELAYED costs	The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$180	TOTAL	\$12
----------------------------	-------	-------	------

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description

Failed to inspect the Facility's three ground storage tanks ("GSTs") annually.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Harm

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to inspect the Facility's GSTs on an annual basis could cause the non-detection of defects which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

3

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$750

Three single events are recommended, one for each tank.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$129

Violation Final Penalty Total

\$1,238

This violation Final Assessed Penalty (adjusted for limits)

\$1,238

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$123	28-Jan-2022	15-Nov-2022	0.80	\$5	n/a	\$5
Notes for DELAYED costs	The delayed 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 estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$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 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
----------------------------	-------	-------	-------

Screening Date	4-Apr-2022	Docket No.	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			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(1)(A)			
Violation Description	Failed to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly ("BPA"), as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, the 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 a health hazard and require either a reduced pressure backflow assembly or an air gap.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Release	Harm	Major	Moderate	Minor	
	Actual					
	Potential	x				

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	

Percent 0.0%

Matrix Notes: Failure to have the appropriate additional protection may allow backflow and siphonage to occur which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	3	66	Number of violation days
----------------------------	---	----	--------------------------

daily						
weekly						
monthly		x				
quarterly						
semiannual						
annual						
single event						

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$56		
		Statutory Limit Test	
		Violation Final Penalty Total	\$3,713
		This violation Final Assessed Penalty (adjusted for limits)	\$3,713

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$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
Notes for DELAYED costs	The delayed cost includes the estimated amount to ensure the appropriate additional protection is provided in the form of a reduced pressure backflow assembly or an air gap, calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$1,000	TOTAL	\$56
----------------------------	---------	-------	------

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

7

Rule Cite(s)

30 Tex. Admin. Code § 290.44(h)(4)

Violation Description

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.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

3

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$2,250

Three monthly events are recommended, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$35

Violation Final Penalty Total

\$3,713

This violation Final Assessed Penalty (adjusted for limits)

\$3,713

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jan-2022	15-Dec-2022	0.88	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$31	28-Jan-2022	4-Apr-2022	0.18	\$0	\$31	\$31
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the BPA at the carwash, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$131

TOTAL \$35

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

8

Rule Cite(s)

30 Tex. Admin. Code § 290.42(I)

Violation Description

Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$8

Violation Final Penalty Total

\$825

This violation Final Assessed Penalty (adjusted for limits)

\$825

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	28-Jan-2022	15-Dec-2022	0.88	\$8	n/a	\$8
Notes for DELAYED costs	The delayed cost includes the estimated amount to develop and maintain a thorough and up-to-date plant operations manual, caculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$180	TOTAL	\$8
----------------------------	-------	-------	-----

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

9

Rule Cite(s)

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

Violation Description

Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the manual disinfectant residual analyzer had not been calibrated and there were no chlorine solutions of known concentrations to verify the accuracy.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

Notes

x

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Estimated EB Amount

\$9

Violation Final Penalty Total

\$413

This violation Final Assessed Penalty (adjusted for limits)

\$413

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$80	28-Jan-2022	15-Nov-2022	0.80	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	28-Jan-2022	15-Nov-2022	0.80	\$0	n/a	\$0

Notes for DELAYED costs

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 of the investigation to the estimated date of compliance.

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

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	19-Mar-2019	4-Apr-2022	3.05	\$1	\$5	\$6
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentration, calculated from the date of the last calibration to the date of screening.

Approx. Cost of Compliance \$90

TOTAL \$9

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

10

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description

Failed to provide all GSTs with a liquid level indicator. Specifically, the float with a moving target indicator was broken on the 100,000-gallon GST.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

3.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,850

\$150

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$13

Violation Final Penalty Total

\$248

This violation Final Assessed Penalty (adjusted for limits)

\$248

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair or replace the float with a moving target liquid level indicator on the 100,000-gallon GST, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	TOTAL	\$13
----------------------------	-------	-------	------

Screening Date
Respondent
Case ID No.
Reg. Ent. Reference No.
Media
Enf. Coordinator

4-Apr-2022
City of Paducah
62160
RN101385029
Public Water Supply
Ryan Byer

Docket No.

2022-0385-PWS-E

PCW

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

Violation Number

11

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(D)

Violation Description

Failed to ensure that livestock in pastures are not allowed within 50 feet of the Facility's Well No. 13.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to keep livestock at least 50 feet from the well could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

x

semiannual

annual

single event

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the date of the investigation, January 28, 2022, to the date of screening, April 4, 2022.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$9

Violation Final Penalty Total

\$413

This violation Final Assessed Penalty (adjusted for limits)

\$413

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	28-Jan-2022	15-Dec-2022	0.88	\$9	n/a	\$9
Notes for DELAYED costs	The delayed cost includes the estimated amount to ensure that livestock are not allowed within 50 feet of the Facility's Well No. 13, calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$200	TOTAL	\$9
----------------------------	-------	-------	-----

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

12

Rule Cite(s)

30 Tex. Admin. Code § 290.46(u)

Violation Description

Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14 were not in use and had not been tested or plugged.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

15.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

27

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$20,250

Twenty-Seven monthly events are recommended (three events per well x nine wells), calculated from the date of the investigation to the date of screening.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$20,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$865

Violation Final Penalty Total

\$33,413

This violation Final Assessed Penalty (adjusted for limits)

\$33,413

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$18,000	28-Jan-2022	14-Jan-2023	0.96	\$865	n/a	\$865

Notes for DELAYED costs

The delayed cost includes the estimated amount to plug or test the abandoned wells (\$2,000 per well x nine wells), calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$18,000	TOTAL	\$865
----------------------------	----------	-------	-------

Screening Date	4-Apr-2022	Docket No.	2022-0385-PWS-E	PCW
Respondent	City of Paducah	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62160	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101385029			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			
Violation Number	13			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(1)			
Violation Description	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.			
			Base Penalty	\$5,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential	x		
			Percent	15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Failure to prevent a water connection from a public water supply system to an unprotected connection could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
			Adjustment	\$4,250
				\$750
Violation Events				
Number of Violation Events		3	66	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$2,250
Three events are recommended, calculated from the date of the investigation to the date of screening.				
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
			Violation Subtotal	\$2,250
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$60	Violation Final Penalty Total	\$3,713	
This violation Final Assessed Penalty (adjusted for limits)			\$3,713	

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	28-Jan-2022	15-Nov-2022	0.80	\$60	n/a	\$60

Notes for DELAYED costs

The delayed cost includes the estimated amount to prevent a water connection from the public drinking water supply system to cattle troughs with no air gap or backflow prevention device at Well Nos. 7 and 14; a hose attached directly to the well that was laying on the ground and did not have a backflow prevention device at Well No. 3; direct openings to the atmosphere at Well Nos. 1, 2, 3, 6, 9, 10, 11, 12, and 14; and wooden enclosures surrounding the wellhead that were filled with dirt at Well Nos. 1, 2, 3, 9, and 12 had until the public water facilities are protected from contamination, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$60
----------------------------	---------	-------	------

Screening Date

4-Apr-2022

Docket No.

2022-0385-PWS-E

PCW

Respondent

City of Paducah

Case ID No.

62160

Reg. Ent. Reference No.

RN101385029

Media

Public Water Supply

Enf. Coordinator

Ryan Byer

Violation Number

14

Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Violation Description

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.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

3.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to protect the pump station could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,850

\$150

Violation Events

Number of Violation Events

1

66

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$34

Violation Final Penalty Total

\$248

This violation Final Assessed Penalty (adjusted for limits)

\$248

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$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	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the loose barbed wire and replace the missing top bar on the fence around the pump station, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$34

Screening Date

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Enf. Coordinator

4-Apr-2022

City of Paducah

62160

RN101385029

Public Water Supply

Ryan Byer

Docket No.

2022-0385-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

15

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, on 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.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>> Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

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

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

1

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the date of the investigation, January 28, 2022, to the date of compliance, January 29, 2022.

Good Faith Efforts to Comply

25.0%

Reduction

\$62

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

The Respondent achieved compliance on January 29, 2022.

Violation Subtotal

\$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$0

Violation Final Penalty Total

\$351

This violation Final Assessed Penalty (adjusted for limits)

\$351

Economic Benefit Worksheet

Respondent City of Paducah
Case ID No. 62160
Reg. Ent. Reference No. RN101385029
Media Public Water Supply
Violation No. 15

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	29-Jan-2022	0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$0
----------------------------	-------	-------	-----



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 Owner/Operator:	CN600629836, City of Paducah	Classification:	HIGH	Rating:	0.00
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) | |
| | Rqmt 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(l)

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)(O)

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(l)			
	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 times.	

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PADUCAH
RN101385029

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ 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 together 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 Easy 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.
11. 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

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

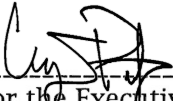
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



12/22/2023

For the Executive Director


Date

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

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

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

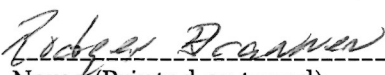
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/11/2023

Date



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



Title

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

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