Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WR

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

City of New Home PWS, 106 East Broadway, New Home, Lynn County

Type of Operation:

Public water supply **Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 28, 2022

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$8,998

Amount Deferred for Expedited Settlement: \$1,799

**Total Paid to General Revenue:** \$7,199 **Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:** 

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

**Applicable Penalty Policy:** January 2021

### **Investigation Information**

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: March 14, 2022 through March 28, 2022

**Date(s) of NOE(s):** May 25, 2022

# Violation Information

- 1. 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 March 14, 2022, free chlorine residual concentrations of 0.05 mg/L and 0.09 mg/L were measured at 401 Smith Street and 358 North Main Street, respectively [30 Tex. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)].
- 2. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well. Specifically, Well No. 2 was not provided with a well casing vent [30 Tex. ADMIN. CODE § 290.41(c)(3)(K)].
- 3. 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)].
- 4. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications. Specifically, the BPAs for The Spot Market & Cafe at 102 North Main Street, 212 North Main Street, the northwest corner of Smith Avenue and East Broadway, and the irrigation systems at new home construction had not been tested [30 Tex. ADMIN. Code § 290.44(h)(4)].
- 5. Failed to maintain water works operation and maintenance records and make them immediately available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week were not maintained on-site for review and records of the amount of water treated and distributed each week were being recorded on a monthly basis and not weekly [30 Tex. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III)].
- 6. Failed to complete a Customer Service Inspection ("CSI") certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution system. Specifically, CSIs had not been conducted at newly constructed homes at 327 Hiracheta Drive, 212 North Main Street, 205 Stadium Drive, and the northwest corner of East Broadway and Smith Avenue, and the remodeled cafe at 102 North Main Street [30 Tex. ADMIN. CODE § 290.46(j)].

- 7. Failed to inspect the Facility's ground storage tank and standpipe annually [30 Tex. Admin. Code § 290.46(m)(1)(A)].
- 8. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 Tex. ADMIN. CODE § 290.46(s)(2)(C)(i)].
- 9. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the residual was only being checked at the City Hall [30 Tex. Admin. Code § 290.110(c)(4)(A)].
- 10. 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 [30 Tex. ADMIN. CODE § 290.121(a) and (b)].
- 11. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c)].

# Corrective Actions/Technical Requirements

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

The Respondent implemented the following corrective measures:

- a. Maintaining a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system by March 15, 2022; and
- b. Completing CSI certificates for 212 North Main Street, 327 Hiracheta Drive and 205 Stadium Drive by April 6, 2022.

#### **Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
- i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week and records of the amount of water treated and distributed each week;
- ii. Implement a CSI program so that CSI certificates are completed prior to providing continuous water service to new construction, or any existing service when the water purveyor has reason to believe that cross-connections or other potential hazards exist,

or after any material improvements, corrections, or additions to the private water distribution facilities;

- iii. Conduct inspections of the Facility's ground storage tanks and standpipes;
- iv. Verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations; and
- v. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
- i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;
- ii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to The Spot Market & Cafe at 102 North Main Street, 212 North Main Street, the northwest corner of Smith Avenue and East Broadway, and the irrigation systems at new home construction; and
- iii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
- i. Provide a well casing vent for Well No. 2 with an opening that is covered with 16-mesh or finer corrosion resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well;
- ii. Complete a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the northwest corner of East Broadway and Smith Avenue, and the remodeled cafe at 102 North Main Street; and
- iii. Prepare and adopt a complete drought contingency plan.
- f. Within 105 days, submit written certification to demonstrate compliance with e.

# **Contact Information**

TCEQ Attorney: N/A

**TCEQ Enforcement Coordinator:** Daphne Greene, Enforcement Division, Enforcement Team 4, MC 219, (903) 535-5157; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Brad Emert, Mayor, City of New Home, P.O. Box 278, New

Home, Texas 79383

Teresa Olsen, City Secretary/Manager, City of New Home, P.O. Box 278, New Home,

Texas 79383

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

NMENTAL OUT	roney nev	ision's (sundary 20,	2021)			1 CW REVISION 1 CDI a	11, 11, 202
DATES	Assigned	31-May-2022					
	PCW	1-Jun-2022	Screening 1-Jun-2022	EPA Due			
			_				
		TY INFORMATI					
R	espondent	City of New Hom	ne (PCW No. 1)				
Reg. En	t. Ref. No.	RN101389146	•				
Facility/S	ite Region	2-Lubbock		Major/Min	or Source Minor	•	

CASE INFORMATION				_
Enf./Case ID No.	62479	No. of Violations	10	
	2022-0744-MLM-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media	Water Rights	Enf. Coordinator	Ryan Byer	
		EC's Team	Enforcement Team 8	
Admin. Penalty \$	Limit Minimum \$50 Maximum	\$5,000		-

Admin. Penalty \$ L	imit Minimum	\$50 Maxi	mum	\$5,000	Le 3 rean	<u>Linorcement ream</u>				
		Penalty C	alcula	tion Section	n					
TOTAL BASE PENA	LTY (Sum of v	violation base	penalt	ies)		Subtotal 1	\$7,050			
ADJUSTMENTS (+)	/-) TO SUBTO	TAL 1								
Subtotals 2-7 are ob Compliance Hi	tained by multiplying t <b>story</b>	he Total Base Penalty	(Subtotal 1 <b>20.0%</b>	) by the indicated p Adjustment		otals 2, 3, & 7	\$1,410			
Notes	Enhancement									
Culpability	No		0.0%	Enhancement		Subtotal 4	\$0			
Notes										
Good Faith Effort to Comply Total Adjustments Subtotal 5										
Economic Bene	efit Total EB Amounts	*222		Enhancement* I at the Total EB \$ A	mount	Subtotal 6	\$0			
Estimated	Cost of Compliance	\$333 \$1,891	"Саррес	rat the Total ED \$ A	imount					
SUM OF SUBTOTAL	LS 1-7				ı	Final Subtotal	\$8,398			
OTHER FACTORS A	S JUSTICE MA	AY REQUIRE		0.0%		Adjustment	\$0			
Reduces or enhances the Final	Subtotal by the indica	ted percentage.								
Notes										
•					Final Pe	nalty Amount	\$8,398			
STATUTORY LIMIT	ADJUSTMENT	Γ			Final Asse	essed Penalty	\$8,398			
DEFERRAL				20.0%	Reduction	Adjustment	-\$1,679			
Reduces the Final Assessed Pe  Notes		eferral offered for	expedited	d settlement.						
PAYABLE PENALTY	<b>(</b>						\$6,719			

Screening Date 1-Jun-2022

/ N 4)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

**PCW** 

**Respondent** City of New Home (PCW No. 1)

**Case ID No.** 62479

Reg. Ent. Reference No. RN101389146

**Media** Public Water Supply

Enf. Coordinator Ryan Byer

•		Ent. Coordinator Ryan Byer  Compliance History Workshoot										
Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)												
	ımber	Adjust.										
Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%										
Other written NOVs	0	0%										
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%										
Orders  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%										
Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%										
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 (number of counts)	0	0%										
Emissions Chronic excessive emissions events (number of events)	0	0%										
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%										
Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%										
Environmental management systems in place for one year or more	No	0%										
Other  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%										
	No	0%										
Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%										
Adjustment Percenta	ge (Subt	total 2) 20%										
>> Repeat Violator (Subtotal 3)												
N/A Adjustment Percenta	ge (Subt	total 3) 0%										
>> Compliance History Person Classification (Subtotal 7)												
Satisfactory Performer Adjustment Percenta	ge (Subt	total 7) 0%										
>> Compliance History Summary												
Compliance History Notes  Enhancement for one agreed order containing a denial of liability.												
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)												
Total Compliance History Adjustment Percentage (Subto	otals 2, 3	<b>3, &amp; 7)</b> 20%										

Screening Date	1-Jun-2022	Docket No. 2	2022-0744-MLM-E	PCW
-	City of New Home (PCW No.	1)	Policy	Revision 5 (January 28, 2021)
Case ID No.			PC	CW Revision February 11, 2021
Reg. Ent. Reference No.				
	Public Water Supply			
Enf. Coordinator Violation Number				
		00.46(4)(2)(4) and 200.1	110(b)(4) and Tay, Health 9	1
Rule Cite(s)		Safety Code § 341.0315(	110(b)(4) and Tex. Health & (c)	
Violation Description	("mg/L") of free chlorin Specifically, on March 14, 20	ne throughout the distribu 122, free chlorine residua	The state of the s	
			Base Penalty	\$5,000
>> Environmental, Proper		Matrix		
Release	<b>Harm</b> Major Moderate	Minor		
OR Actual		MINO		
Potentia	X	I	Percent 5.0%	
>> Due grander a bis his his				
>> Programmatic Matrix Falsification	Major Moderate	Minor		
Tuisineation	Hajor Hoderate		Percent 0.0%	
	aintain proper levels of disinfe amount of contaminants which	· · · · · · · · · · · · · · · · · · ·		
		Adj	ustment \$4,750	
				\$250
				Ψ230
<b>Violation Events</b>				
Number of	Violation Events 1	1	Number of violation days	
	daily weekly monthly quarterly semiannual annual single event		Violation Base Penalty	\$250
One quarte	rly event is recommended, cal 2022, to the date o	culated from the date of of compliance, March 15,		
<b>Good Faith Efforts to Com</b>	ply 25.0%		Reduction	\$62
	Before NOE/NOV	NOE/NOV to EDPRP/Settlemer		
	Extraordinary			
	Ordinary x			
	N/A The Respo	ondent achieved complian 2022.	ice by March 15,	
	l <del></del>		Violation Subtotal	\$188
<b>Economic Benefit (EB) for</b>	this violation		Statutory Limit Test	
Estimat	ted EB Amount		/iolation Final Penalty Total	\$238
ESuillat	CG ED AIIIUUIIL	φU	riviation i mai Penalty 10td/	11 DCJ0
			enalty (adjusted for limits)	

	E	conomic	Benefit	Woi	rksheet		
Respondent	City of New Ho	me (PCW No. 1)					
Case ID No.		,					
Reg. Ent. Reference No.							
		mmlv.					Years of
	Public Water S	ирріу				<b>Percent Interest</b>	
Violation No.	1						Depreciation
						5.0	15
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>
Item Description		•					
ztem zesempuem							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$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	14-Mar-2022		0.00	\$0	n/a	\$0
	The delaye	d cost includes th	e estimated am	ount to	determine the cau	se of noncompliance	e, make any
	necessary repa	airs or adjustmen	ts to the Facility	$\prime$ , and m	naintain a disinfect	ant residual of at le	ast 0.2 mg/L of
Notes for DELAYED costs						e of the investigation	
			,	compli		J	
Avoided Costs	ANNU	ALTZE avoided o	osts before er			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		<b>#</b> 0
Approx. Cost of Compilance		\$100			TOTAL		\$0

		_	1-Jun-2022			ocket No.	2022-0744-MLM-E		PCW
	•		City of New Ho	me (PCW No.	1)				Revision 5 (January 28, 2021)
Pog	Ent. Refere	ID No.						PCV	V Revision February 11, 2021
Reg.	Eiit. Keieiei		Public Water S	unnly					
	Enf. Coor			арріу					
	Violation	Number							
	Rul	e Cite(s)		30 Tex	. Admin. Co	de § 290.41	(c)(3)(K)		
	Violation De	scription	casing vent resistant scr	t with an open reen, facing do	ing that is conversely in the converse in the mell.	overed with evated and lo	compound and provid 16-mesh or finer corr ocated so as to minim , Well No. 2 was not p	osion- nize the	
							Base	e Penalty	\$5,000
>> Env	vironmental	, Propei	ty and Hun		Matrix				
		Release	Major	<b>Harm</b> Moderate	Minor				
OR		Actual					-		
		Potential		Х			Percent 5.0%		
>>Pro	grammatic	Matrix							
	Fal	sification	Major	Moderate	Minor	1	<b>B</b>		
							Percent 0.0%		
	Matrix Fai	•		_			by the Facility to a si- ective of human healt	_	
						۸d	justment	\$4,750	
						Au	justilient	<b>\$4,730</b>	
									\$250
Violatio	on Events								
	NI	umbor of V	lialation Evants	4	]	70	Number of violation	daye	
	INI	umber or v	daily weekly monthly			79	Number of violation	,	1050
			quarterly semiannual	X			Violation Base	e Penalty	\$250
			annual						
			single event						
	O	ne quarter	•	mmended, cal 22, to the date			the investigation, Ma 022.	arch 14,	
Good F	aith Efforts	to Com	ply	0.0%				Reduction	\$0
				Before NOE/NOV	NOE/NOV to E	DPRP/Settleme	nt Offer		
			Extraordinary Ordinary						
			N/A	X			<u> </u>		
			Notes	The Respond	ent does not this	meet the good in t	ood faith criteria for		
							Violation	Subtotal	\$250
Econor	mic Benefit	(EB) for	this violati	on			<b>Statutory Limit</b>	Test	
		Estimate	ed EB Amount		\$10	] ,	Violation Final Pena	alty Total	\$300
			/vailt		·	•		_	·
				This vio	iation Final	Assessed I	Penalty (adjusted fo	or limits)	\$300

	E	conomic	Benefit '	ıoW	ksheet		
Respondent	City of New Ho	ome (PCW No. 1)					
Case ID No.	62479						
Reg. Ent. Reference No.	RN101389146						
	Public Water S						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Équipment	\$150	14-Mar-2022	12-Mar-2023	0.99	\$0	\$10	\$10
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	·	from the date	of the investiga	ition to	the estimated dat	· 	
Avoided Costs	ANNU	ALIZE avoided co	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$150			TOTAL		\$10

	Screening Date	1-Jun-2022	Docket No.	2022-0744-MLM-E	PCW
	Respondent	City of New Home (PCW No.	1)	Policy	Revision 5 (January 28, 2021)
	Case ID No.	62479		PC	CW Revision February 11, 2021
Rea.	<b>Ent. Reference No.</b>				, , ,
		Public Water Supply			
	Enf. Coordinator				
	Violation Number				
	Rule Cite(s)				<b>1</b>
		30	Tex. Admin. Code § 290	.42(1)	
	<b>Violation Description</b>			o-date plant operations manual	
		for o	perator review and refe	rence.	
					_
				Base Penalty	\$5,000
					ψ2/200
>> En	vironmental, Prope	rty and Human Health	Matrix		
		Harm			
<b>0</b> D	Release		Minor		
OR	Actual			<b>B</b>	
	Potential			Percent 0.0%	
>> Dro	grammatic Matrix				
//PIU	Falsification	Major Moderate	Minor		
	Tuisineacion	X Moderate	1411101	Percent 10.0%	
		Α		201070	
					1
	Matrix	100% of the rule	requirements were not	met.	
	Notes		- 4		
					-
			Ad	justment \$4,500	0
					+500
					\$500
Violati	ion Events				
Violati	on Events				
	Number of V	Violation Events 1	79	Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly		Violation Base Penalty	\$500
		semiannual			
		annual			
		single event x			
					<b>1</b>
		One single	event is recommended.		
		· ·			
Good I	Faith Efforts to Com			Reduction	\$0
			NOE/NOV to EDPRP/Settleme	nt Offer	
		Extraordinary			
		Ordinary			
		N/A x		_	
		The Respond	ent does not meet the g	ood faith criteria for	
		Notes	this violation.		
				Violation Subtota	\$500
				violation Subtota	\$500
Econo	mic Benefit (EB) for	this violation		<b>Statutory Limit Test</b>	
	Estimat	ed EB Amount	\$8	Violation Final Penalty Tota	\$600
		This viol	ation Final Accessed	Penalty (adjusted for limits)	\$600
		THIS VIO	ation i mai Assesseu i	charty (dajusted for milits)	φυυυ

		conomic	Benefit	Wor	ksheet		
Respondent		ome (PCW No. 1)					
Case ID No.	62479						
Reg. Ent. Reference No.	RN101389146						
Media	Public Water S	Supply				Dawasak Interest	Years of
Violation No.						<b>Percent Interest</b>	Depreciation
						5.0	15
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Équipment				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	+100	1111	10 5 1 2022	0.00	\$0	n/a	\$0
Other (as needed)	\$180	14-Mar-2022	10-Feb-2023	0.91	\$8	n/a	\$8
Notes for DELAYED costs	operations	manual, calculate	d from the date	of the i	investigation to the	n a thorough and up e estimated date of	compliance.
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering		one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$180			TOTAL		\$8

	Screening Date		<b>Docket No.</b> 2022-0744-M	LM-E	PCW
		City of New Home (PCW N	lo. 1)		on 5 (January 28, 2021)
Dog	Case ID No.			PCW Rev	rision February 11, 2021
Reg.	Ent. Reference No.	Public Water Supply			
	Enf. Coordinator	,			
	Violation Number				
	Rule Cite(s)	30	Tex. Admin. Code § 290.44(h)(4)		
		Failed to have all backflor	ν prevention assemblies ("BPAs") tested ι	inon installation	
	Violation Description	and on an annual basis operating within specifica at 102 North Main Stree	s by a recognized BPA tester and certified ations. Specifically, the BPAs for The Spotest, 212 North Main Street, the northwest c	that they are t Market & Cafe corner of Smith	
		Avenue and East Broadw	yay, and the irrigation systems at new hor had not been tested.	ne construction	
				Base Penalty	\$5,000
>> Env	vironmental, Prope	rty and Human Heal	th Matrix		
OR	Release		e Minor		
OK	Actua Potentia		Percent 1	5.0%	
		~		<u> </u>	
>>Pro	grammatic Matrix Falsification	Major Moderate	e Minor		
	Taisincation	Major Moderace		0.0%	
	Matrix		would not ensure the device is operating inants entering into the water mains whic		
	Notes Could result		otective of human health.	ii would exceed	
			Adjustment	\$4,250	
					\$750
Violatio	on Events				
Violati			_		
	Number of	Violation Events 3	79 Number of vic	olation days	
		daily			
		weekly			
		monthly x quarterly	Violatio	n Base Penalty	\$2,250
		semiannual	Tiolatio	ii base i charty	<i>\$2,230</i>
		annual			
		single event			
	Three month		d, calculated from the date of the investigal late of screening, June 1, 2022.	ation, March 14,	
Good F	aith Efforts to Com	iply 0.0	%	Reduction	\$0
		Before NOE/No	DV NOE/NOV to EDPRP/Settlement Offer		40
		Extraordinary			
		Ordinary N/A x			
			ondent does not meet the good faith criter	ia for	
		Notes	this violation.		
			Vio	lation Subtotal	\$2,250
Econon	nic Benefit (EB) fo	this violation	Statutory	Limit Test	
	Estimat	ed EB Amount	\$196 Violation Fina	al Penalty Total	\$2,700
		This	violation Final Assessed Penalty (adju	sted for limits)	\$2,700

	E	conomic	Benefit	Wor	ksheet			
		ome (PCW No. 1)						
Case ID No.	62479							
Reg. Ent. Reference No.	RN101389146							
Media	Public Water S	upply				Percent Interest	Years of	
Violation No.	4					Percent Interest	Depreciation	
						5.0	15	
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description		2000 1104011100				00010 00100		
rem bescription								
Delayed Costs								
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Engineering/Construction				0.00	\$0	\$0	\$0	
Land				0.00	\$0	n/a	\$0	
Record Keeping System				0.00	\$0	n/a	\$0	
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0 \$0	
Permit Costs				0.00	\$0 \$0	n/a	\$0	
Other (as needed)	\$186	14-Mar-2022	10-Feb-2023	0.91	\$8	n/a	\$8	
Notes for DELAYED costs	The delayed cost includes the estimated amount to test the BPAs (\$31 x six locations), calculated from the							
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	-	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
ONE-TIME avoided costs	\$186	14-Mar-2022	1-Jun-2022	0.22	\$2	\$186	\$188	
Other (as needed)	<u> </u>	14 Mai 2022	1 3411 2022	0.00	\$0		\$0	
Notes for AVOIDED costs	The avoided o	The avoided cost includes the estimated amount to test the BPAs (\$31 x six locations), calculated from the date of the investigation to the date of screening.						
Approx. Cost of Compliance		\$372			TOTAL		\$196	

	Screening Date	1-Jun-2022	Docket No. 20	)22-0744-MLM-E	PCW
	Respondent	City of New Home (PCW No. 3	1)	Policy	Revision 5 (January 28, 2021)
	Case ID No.	62479		P	CW Revision February 11, 2021
Reg.	<b>Ent. Reference No.</b>	RN101389146			
		Public Water Supply			
	Enf. Coordinator	· · · · · · · · · · · · · · · · · · ·			
	Violation Number				<b>-</b>
	Rule Cite(s)	30 Tex. Admin. Code § 2	90.46(f)(2), (f)(3)(A)(i)(II	I), and (f)(3)(A)(ii)(III)	
	Violation Description	Specifically, records of the	or review by the Executive amount of each chemical i iew and records of the amo	Director upon request. used each week were not ount of water treated and	
				Base Penalt	<b>y</b> \$5,000
>> Env	vironmental. Prope	rty and Human Health	Matrix		
	Jimiental, Fropel	Harm	<del></del>		
	Release	Major Moderate	Minor		
OR	Actual				
	Potential		P	ercent 0.0%	
>>Pro	grammatic Matrix				
//110	Falsification	Major Moderate	Minor		
				ercent 1.0%	
					<b>=</b>
	Matrix Notes	Less than 30% of the	rule requirements were no	t met.	
					_
			Adjus	<b>stment</b> \$4,95	0
					\$50
Violation	on Events				
	Number of V	/iolation Events 1	79 Nu	ımber of violation days	
	Number of V	riolation Events 1	/9 NC	illiber of violation days	
		daily			
		weekly			
		monthly			
		quarterly		Violation Base Penalt	<b>y</b> \$50
		semiannual annual			
		single event x			
					_
		One single e	event is recommended.		
Good F	aith Efforts to Com	ply 0.0%		Reduction	\$0
			NOE/NOV to EDPRP/Settlement C		
		Extraordinary			
		Ordinary			
		N/A x			
		Notes The Responde	ent does not meet the good this violation.	l faith criteria for	
				Violation Subtota	<b>I</b> \$50
Econor	mic Benefit (EB) for	this violation	Si	tatutory Limit Test	
	Estimate	ed EB Amount	\$2 Vio	lation Final Penalty Tota	\$60
		This viol	ation Final Assessed Per	nalty (adjusted for limits	\$60

	E	conomic	Benefit	10W	<b>'ksheet</b>		
Respondent	City of New Ho	ome (PCW No. 1)					
Case ID No.		, , , , , , , , , , , , , , , , , , ,					
Reg. Ent. Reference No.							V
	Public Water S	Supply				<b>Percent Interest</b>	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	14-Mar-2022	11-Jan-2023	0.83	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
	The delayer	l cost includes the	e estimated amo	ount to r	maintain water sys	tem operation and	maintenance
Notes for DELAYED costs	,				•	juest by the Executi	
Notes for DELAYED Costs			•		•		
	C	alculated from the	e date of the inv	estigati/	on to the estimate	d date of compliance	ce.
Avoided Costs	ANNU	ALIZE avoided c	osts before en	ntering	item (except for	one-time avoided	l costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Notes for Avoided costs							
'							
Approx. Cost of Compliance		\$45			TOTAL		\$2
pp. oz. cost or compilation		ΨΉϽ			IOIAL		Ψ۷

#### **Economic Benefit Worksheet Respondent** City of New Home (PCW No. 1) **Case ID No.** 62479 Reg. Ent. Reference No. RN101389146 Media Public Water Supply Years of **Percent Interest** Violation No. 6 **Depreciation** 5.0 15 **Item Cost** Date Required **Final Date** Interest Saved **Costs Saved EB Amount Item Description Delayed Costs** Equipment 0.00 \$0 \$0 \$0 **Buildings** 0.00 <u>\$0</u> \$0 <u>\$0</u> Other (as needed) 0.00 \$0 \$0 \$0 **Engineering/Construction** 0.00 \$0 \$0 \$0 0.00 n/a 0.99 **Record Keeping System** 14-Mar-2022 \$10 \$10 n/a Record Keeping System 6-Apr-2022 0.06 <u>\$1</u> n/a \$1 Remediation/Disposal 0.00 n/a \$0 **Permit Costs** 0.00 \$0 \$0 n/a 14-Mar-2022 11-Jan-2023 Other (as needed) \$180 The record keeping system delayed cost includes the estimated amount to complete a CSI certificate prior to providing continuous water service to new construction or sites of any material changes, including but not limited to the newly constructed home at the northwest corner of East Broadway and Smith Avenue, and the remodeled cafe at 102 North Main Street, calculated from the date of the investigation to the estimated date of compliance. The second record keeping system delayed cost includes the estimated amount to complete a CSI certificate prior to providing continuous water service to new construction or sites of any material changes, **Notes for DELAYED costs** including but not limited to 212 North Main Street, 327 Hiracheta Drive, and 205 Stadium Drive, calculated from the date of the investigation to the date of compliance. The other delayed cost includes the estimated amount to implement a CSI program so that CSI certificates are completed prior to providing continuous water service to new construction, or any existing service when the water purveyor has reason to believe that cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, calculated from the date of the investigation to the estimated date of compliance. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$0 \$0 Personnel 0.00 \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00<u>\$0</u> <u>\$0</u> <u>\$0</u> Supplies/Equipment 0.00 \$0 <u>\$0</u> <u>\$0</u> **Financial Assurance** 0.00 \$0 \$0 \$0 **ONE-TIME** avoided costs 0.00 0.00

\$680

**TOTAL** 

\$18

Other (as needed)

**Notes for AVOIDED costs** 

**Approx. Cost of Compliance** 

	Screening Date	1-Jun-2022	<b>Docket No.</b> 2022-0744-MLM-E	PCW
	Respondent	City of New Home (PCW I	No. 1) Policy	Revision 5 (January 28, 2021)
	Case ID No.	62479	PC	CW Revision February 11, 2021
Rea.	<b>Ent. Reference No.</b>	RN101389146		, ,
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)			1
	naic cite(s)	30	Tex. Admin. Code § 290.46(m)(1)(A)	
	Violation Description	Failed to inspect the Faci	lity's ground storage tank ("GST") and standpipe annually.	
	7.0.d	ranea to inspect the raci	mey o ground ocorage tarm ( Gor ) and ocanapipe annually.	
				4
			Base Penalty	\$5,000
			Just I charty	45/000
>> En	vironmental, Prope	rty and Human Hea	Ith Matrix	
		Harm		
00	Release		te Minor	
OR	Actual		<b>B</b>	
	Potential	Х	Percent 5.0%	
>>Dro	grammatic Matrix			
<b></b>	Falsification	Major Moderat	te Minor	
	T districation	riajor rioderat	Percent 0.0%	
			0.070	
	Failure to	inspect the Facility's GST	and standpipe on an annual basis could cause the non-	1
	Matrix detection of	•	persons served by the Facility to a significant amount of	
	NOTAC	•	not exceed levels protective of human health.	
				4
			Adjustment \$4,750	
				¢250
				\$250
Violati	on Events			
T TOTAL				
	Number of \	Violation Events 2	79 Number of violation days	
		daily		
		weekly		
		monthly	Violation Base Bonalty	4500
		quarterly	Violation Base Penalty	\$500
		quarterly semiannual	Violation Base Penalty	\$500
		quarterly semiannual annual	Violation Base Penalty	\$500
		quarterly semiannual	Violation Base Penalty	\$500
		quarterly semiannual annual single event x		\$500
		quarterly semiannual annual single event x	Violation Base Penalty  are recommended, one event per tank.	\$500
		quarterly semiannual annual single event x		\$500
Good 5	aith Efforts to Com	quarterly semiannual annual single event x  Two single events a	are recommended, one event per tank.	
Good F	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a	are recommended, one event per tank.  Reduction	
Good F	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a  apply 0.0  Before NOE/N	are recommended, one event per tank.	
Good F	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a  aply 0.0  Before NOE/N Extraordinary	are recommended, one event per tank.  Reduction	
Good F	Faith Efforts to Com	quarterly semiannual annual single event  Two single events a  aply  Before NOE/N Extraordinary Ordinary	are recommended, one event per tank.  Reduction	
Good F	Faith Efforts to Com	quarterly semiannual annual single event  Two single events a  apply  Before NOE/N Extraordinary Ordinary N/A X	are recommended, one event per tank.  Reduction NOV NOE/NOV to EDPRP/Settlement Offer	
Good I	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a sefere NOE/N  Extraordinary Ordinary N/A x  The Resp.	Reduction NOV NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for	
Good F	Faith Efforts to Com	quarterly semiannual annual single event  Two single events a  apply  Before NOE/N Extraordinary Ordinary N/A X	are recommended, one event per tank.  Reduction NOV NOE/NOV to EDPRP/Settlement Offer	
Good I	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a sefere NOE/N  Extraordinary Ordinary N/A x  The Resp.	Reduction NOV NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for	
Good F	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a sefere NOE/N  Extraordinary Ordinary N/A x  The Resp.	Reduction NOV NOE/NOV to EDPRP/Settlement Offer Ondent does not meet the good faith criteria for	\$0
		quarterly semiannual annual single event x  Two single events a  Two single events a  Place of the semiannual annual annu	Reduction NOV NOE/NOV to EDPRP/Settlement Offer  ondent does not meet the good faith criteria for this violation.  Violation Subtotal	\$0
	Faith Efforts to Com	quarterly semiannual annual single event x  Two single events a  Two single events a  Place of the semiannual annual annu	are recommended, one event per tank.  Reduction NOV NOE/NOV to EDPRP/Settlement Offer  ondent does not meet the good faith criteria for this violation.	\$0
	mic Benefit (EB) for	quarterly semiannual annual single event x  Two single events a  Two single events a  Place of the semiannual annual annu	Reduction NOV NOE/NOV to EDPRP/Settlement Offer  ondent does not meet the good faith criteria for this violation.  Violation Subtotal	\$500
	mic Benefit (EB) for	quarterly semiannual annual single event x  Two single events a sefere NOE/N Extraordinary Ordinary N/A x Notes The Response Notes The Response Notes The Response Notes Notes Notes The Response Notes Note	Reduction NOV NOE/NOV to EDPRP/Settlement Offer  ondent does not meet the good faith criteria for this violation.  Violation Subtotal  Statutory Limit Test	\$500

Respondent City of New Home (PCW No. 1) Case ID No. 62479  Reg. Ent. Reference No. RN101389146  Wedia Public Water Supply Violation No. 7  Item Cost Date Required Final Date Vrs Interest Saved Costs Saved EB Amount  Item Description  Delayed Costs  Equipment Buildings Delayed Costs  Cost Saved EB Amount  Item Cost Date Required Final Date Vrs Interest Saved Cost EB Amount  Record Keeping System Delayed Costs  Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Avoided Costs  Avoided Costs  Annual Ize avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Disposal Supplies/Equipment Final Date Vrs Interest Saved Cost Sign And Sign				Danafit	14/	.l.abaa+		
Case ID No. 62479		E	conomic	Benefit	AAOI	Ksneet		
Reg. Ent. Reference No. RN101389146 Media Public Water Supply Violation No. 7  Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount  Tem Description  Delayed Costs  Equipment Buildings	Respondent	City of New Ho	me (PCW No. 1)					
Reg. Ent. Reference No. RN101389146 Media Public Water Supply Violation No. 7  Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount  Tem Description  Delayed Costs  Equipment Buildings	Case ID No.	62479						
Violation No.   Violation No								
Titem Cost   Date Required   Final Date								Voore of
Tem Cost   Date Required   Final Date   Fi			uppiy				<b>Percent Interest</b>	
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Costs Saved   EB Amount	Violation No.	7						Depreciation
Delayed Costs   Equipment Buildings							5.0	15
Delayed Costs   Equipment Buildings		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs   Equipment	Itom Doccription	10000	Date Required	i mai bacc		znicerest suveu	costs surcu	LD Amount
Buildings	Item Description							
Buildings								
Buildings								
Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED Costs Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs  Other (as needed)  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  Other (as needed)  Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Other (								
Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs	_							
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	` `							
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED Costs  Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Remediation/Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Record Keeping System								
Training/Sampling Remediation/Disposal								
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  The delayed cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  ANUALIZE avoided costs before entering item (except for one-time avoided costs)  ANUALIZE avoided costs before entering item (except for one-time avoided costs)  Occupance  ANUALIZE avoided costs before entering item (except for one-time avoided costs)  Occupance  ONE-TIME avoided costs Other (as needed)  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.							· .	
Other (as needed)  State   14-Mar-2022   11-Jan-2023   0.83   \$3   n/a   \$3    The delayed cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  Avoided Costs  Disposal   0.00   \$0   \$0   \$0    Personnel   0.00   \$0   \$0   \$0    Supplies/Equipment Financial Assurance   0.00   \$0   \$0   \$0    ONE-TIME avoided costs  Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs	5,							
Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  See 14-Mar-2022 11-Jan-2023 0.83 \$3 n/a \$3  Na \$							· .	
The delayed cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  Avoided Costs  Disposal Personnel  Personnel  Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  The delayed cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.		+02	1.4.14	11 1 2022				
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Other (as needed)	\$82	14-Mar-2022	11-Jan-2023	0.83	\$3	n/a	\$3
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  (\$41 per tank x two tanks), calculated from the date of the investigation to the estimated date of compliance.  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$		The delayed	cost includes the	estimated amo	unt to co	onduct annual insp	ections of the GST a	and standpipe
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Notes for DELAYED costs	,				•		
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Notes for BELATED costs	(ψ11 ρεί	carric x evvo carrico,	,, carcaracea iro			acion to the estimat	ed date of
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Disposal Personnel  0.00 \$					compile	arice.		
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  One-Time avoided costs Other (as needed)  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	Avoided Costs	ANNU	ALIZE avoided o	osts before er	tering	item (except for	one-time avoided	costs)
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  One-Time avoided costs Other (as needed)  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	Disposal				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  ONE-TIME avoided costs Other (as needed)  ONE-TIME avoided costs Other (as needed)  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	Personnel				0.00	\$0		
Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs    Second	Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  \$82	Supplies/Equipment				0.00	\$0	\$0	\$0
Notes for AVOIDED costs  Notes for AVOIDED costs  Notes for AVOIDED costs  O.00 \$0 \$0 \$0  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	Financial Assurance				0.00	\$0	\$0	\$0
Notes for AVOIDED costs  The avoided cost includes the estimated amount to conduct annual inspections of the GST and standpipe (\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	ONE-TIME avoided costs	\$82	14-Mar-2022	1-Jun-2022				
(\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	Other (as needed)				0.00	\$0	\$0	\$0
(\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.								
(\$41 per tank x two tanks), calculated from the date of the investigation to the date of screening.	_	The avoided	cost includes the	estimated amou	unt to co	onduct annual insp	ections of the GST a	and standpipe
	Notes for AVOIDED costs					•		
Approx. Cost of Compliance \$164 TOTAL \$86		(φ+1 ρει	carik x two tariks,	,, carcaratea iro	ii tiic ut	ate of the investige	ation to the date of	screening.
Approx. Cost of Compliance \$164	l							
Approx. Cost of Compliance \$164 TOTAL \$86	,							
	Approx. Cost of Compliance		\$164			TOTAL		\$86

	Screening Date	1-Jun-2022		Docket No	■ 2022-0744-MLM-E	PCW
	Respondent	City of New Home	e (PCW No. 1	.)		Policy Revision 5 (January 28, 2021)
	Case ID No.	62479				PCW Revision February 11, 2021
Rea.	<b>Ent. Reference No.</b>	RN101389146				, ,
		Public Water Supp	olv			
	Enf. Coordinator		J.,			
	Violation Number					
	Rule Cite(s)	<u> </u>	22 =		/ \/@\/@\/!\	
	· · · · · · · · · · · · · · · · · · ·		30 Tex.	Admin. Code § 290.46(	s)(2)(C)(I)	
	<b>Violation Description</b>	-			ctant residual analyzer at	
		once ever	y 90 days us	sing chlorine solutions of	of known concentrations.	
					Base F	Penalty \$5,000
						70,000
>> Env	ironmental, Proper	ty and Human	n Health M	latrix		
			Harm			
OR	Release	Major	Moderate	Minor		
UK	Actual				Dawaant 5 00/	
	Potential		Х		Percent 5.0%	
>> Dro	grammatic Matrix					
//P10	Falsification	Major	Moderate	Minor		
	Taismeation	Major	Pioderate	THITOI	Percent 0.0%	
					01070	
	F	·c	<b>.</b>			
					nalyzer could result in the	
	NOTAC				rsons served by the Facil s protective of human he	
	Significant	infount of containi	marics winch	would not exceed level	s protective or numan ne	saidi.
				_		===1
				Ac	djustment	\$4,750
						\$250
						Ψ230
Violation	on Events					
					_	
	Number of \	/iolation Events	1	79	Number of violation day	ys
		alastic.				
		daily				
		weekly monthly				
		quarterly			Violation Base F	Penalty \$250
		semiannual			1101441011 24001	ψ233
		annual				
		single event	Х			
			One single e	event is recommended.		
Good F	aith Efforts to Com	nlv	0.0%		Rec	duction \$0
2334 I				NOE/NOV to EDPRP/Settleme		\$0
		Extraordinary	2,0,1101/1101	,	1	
		Ordinary			1	
		N/A	Х			
		Notes	he Responde	ent does not meet the g	good faith criteria for	
				this violation.		
					Violation So	ubtotal \$250
	nio Donatii (ED) C				Chalcular II II =	
<b>Econor</b>	nic Benefit (EB) for	this violation			Statutory Limit To	est
	Fstimat	ed EB Amount		\$5	<b>Violation Final Penalt</b>	y Total \$300
	25011140			ΨΟ		
			This viol	ation Final Assessed	Penalty (adjusted for	limits) \$300

Respondent City of New Home (PCW No. 1) Case ID No. 62479  Reg. Ent. Reference No. RN101389146  Wedia Public Water Supply  Item Cost Date Required Final Date Vrs Interest Saved Costs Saved EB Amount  Item Description  Delayed Costs  Equipment Buildings	Case ID No. 62 Reg. Ent. Reference No. RN Media Pul	ty of New Ho 2479		Benefit	vvor	Ksneet		
Case ID No.   62479   RN101389146   Media   Public Water Supply   Subject   West   Percent Interest   Vears of Depreciation   Subject	Case ID No. 62 Reg. Ent. Reference No. RN Media Pul	2479	ome (PCW No. 1)					
Reg. Ent. Reference No.   Media   Public Water Supply   Media   Media   Public Water Supply   Media   Me	Case ID No. 62 Reg. Ent. Reference No. RN Media Pul	2479	·					
Reg. Ent. Reference No. Media Public Water Supply Violation No. 8  Item Cost Date Required Final Date Yrs Interest Saved Costs Saved EB Amount  Item Description  Delayed Costs  Equipment Buildings 0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Reg. Ent. Reference No. RN Media Pul							
Nedia   Public Water Supply   Percent Interest   Percent Interest   Depreciation   S.0	<b>Media</b> Pu	11111128U146						
Tem Cost   Date Required   Final Date   Yrs   Interest Saved   S.0.   15			unnly					Voors of
Solution   Titlem Cost   Date Required   Final Date   Yrs   Interest Saved   Costs Saved   EB Amount	Vialatian Na o	iblic water 5	ирріу				<b>Percent Interest</b>	
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Costs Saved   EB Amount	Violation No. 8							Depreciation
Delayed Costs   Equipment Buildings							5.0	15
Delayed Costs   Equipment	J	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>
Delayed Costs   Equipment Buildings			•					
Equipment Buildings	Item Description							
Equipment Buildings Other (as needed) Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Cots Other (as needed)  Notes for DELAYED costs  AVOIDED Costs  Notes for AVOIDED costs  Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Buildings  0.00 \$0 \$0 \$0 \$0 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 0.00 \$0 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 0.00 \$0 \$0 0.00 \$0 0	Dolayed Costs							
Other (as needed) Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Notes for AVOIDED costs  Notes for AVOIDED costs  Other (as needed)  The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the estimated date of compliance.  Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Other (as needed)  The avoided 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 date of screening.					0.00	¢Ω	¢Ω	¢0
Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Other (as needed)  In spection Reporting Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the estimated date of compliance.  Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  The avoided costs Other (as needed)  The avoided 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 date of screening.								
Record Keeping System								
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs    Avoided Costs								
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  Record Keeping System Training/Sampling O.00 \$0 n/a n/a \$0 n/a \$0 n/a \$0 n/a n/a \$0 n/a \$0 n/a n/a \$0 n/a \$0 n/a n/a \$0 n/a n/a \$0 n/a \$0 n/a								
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs  Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for AVOIDED costs  Other (as needed)								
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Remediation/Disposal Permit Costs Other (as needed)  Notes for AVOIDED costs  Other (as needed)  Notes for AVOIDED costs								
Other (as needed)  S5 14-Mar-2022 11-Jan-2023 0.83 \$0 n/a \$0  The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the estimated date of compliance.  Avoided Costs  Disposal Personnel Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant no 0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$								
Notes for DELAYED costs  Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  Standard Avoided Costs								
Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Persidual 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.  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  \$\times \text{0} \times \tim	Other (as needed)	\$5	14-Mar-2022	11-Jan-2023				
Avoided Costs    Avoided Costs							· · · - C + l · · · · · ·	-   -   -   -   -   -   -   -   -   -
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  from the date of the investigation to the estimated date of compliance.  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  0.00 \$0		•					•	
Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  0.00 \$	Notes for DELAYED costs	esidual analy		•	_			ns, calculated
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Disposal Personnel  O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$			from the date	e of the investiga	ation to	the estimated date	e of compliance.	
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Disposal Personnel  O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Avoided Costs	ANNUA	ALIZE avoided c	osts before en	terina	item (except for	one-time avoided	costs)
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Personnel    0.00						<u> </u>		
Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  ONE-TIME avoided costs 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 date of screening.	· I							
Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Notes for AVOIDED costs  OUNE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  OUNE-TIME avoided costs Other (as needed)  OUNE-TIME avoided costs OUNE-TIME avoided 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 date of screening.	Inspection/Reporting/Sampling							
ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  \$5					0.00		\$0	\$0
Notes for AVOIDED costs  Notes for AVOIDED cos	Financial Assurance				0.00	\$0	\$0	\$0
Notes for AVOIDED costs  The avoided 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 date of screening.	ONE-TIME avoided costs	\$5	14-Mar-2022	1-Jun-2022		\$0		
Notes for AVOIDED costs  residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the date of screening.	Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs  residual analyzer at least once every 90 days using chlorine solutions of known concentrations, calculated from the date of the investigation to the date of screening.	Ti	ho avoidod c	act includes the s	estimated amoun	at to pro	porty vorify the a	scuracy of the many	al disinfostant
from the date of the investigation to the date of screening.					•		•	
	Notes for AVOIDED costs	esiduai anaiy			_			ons, caiculated
Approx. Cost of Compliance \$10 TOTAL \$5			from th	e date of the inv	estigat/	ion to the date of s	screening.	
Approx. Cost of Compliance \$10								
Approx. Cost of Compilance \$10	Approx Cost of Compliance		¢10			TOTAL		<b>*</b> F
	Approx. Cost of Compliance		\$10			IOIAL		\$5

	Screening Date	1-Jun-2022	<b>Docket No.</b> 2022-0744-MLM-E	PCW
	Respondent	City of New Home (PCW No. :	1) Policy	Revision 5 (January 28, 2021)
	Case ID No	62479	PC	W Revision February 11, 2021
Rea.	<b>Ent. Reference No</b>	RN101389146		, ,
		Public Water Supply		
	Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	\		
	itale elle(s)	30 Tex.	. Admin. Code § 290.110(c)(4)(A)	
	Violation Description	distribution system at least	ctant residual at representative locations throughout the once every seven days. Specifically, the residual was being checked at the City Hall.	
			Base Penalty	\$5,000
>> Env	vironmental. Prone	rty and Human Health N	Matrix	
		Harm		
	Release		Minor	
OR	Actua			
	Potentia	X	Percent 5.0%	
_				
>>Prog	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
				1
	Matrix		at representative locations throughout the distribution	
	Notes System at le		d expose persons served by the Facility to a significant	
	amou	nt of contaminants which woul	d not exceed levels protective of human health.	
			Adjustment \$4,750	
				\$250
				\$230
Violatio	on Events			
	Number of	Violation Events 1	79 Number of violation days	
		daily weekly monthly quarterly semiannual annual	Violation Base Penalty	\$250
		single event		
	One quarto	*	culated from the date of the investigation, March 14, e of screening, June 1, 2022.	
Good F	aith Efforts to Com	ply 0.0%	Reduction	\$0
	2110110 10 0011		NOE/NOV to EDPRP/Settlement Offer	Ψ0
		Extraordinary		
		Ordinary		
		N/A x		
			ent does not meet the good faith criteria for this violation.	
			Violation Subtotal	\$250
Econon	mic Benefit (EB) for	this violation	Statutory Limit Test	
	Estima	ted EB Amount	\$0 Violation Final Penalty Total	\$300
		This vio	lation Final Assessed Penalty (adjusted for limits)	\$300
		i ilis vio	nation i mai Assesseu remaity (aujusteu for milits)	\$300

	E	conomic	Benefit	<b>Woi</b>	<b>'ksheet</b>		
Respondent	City of New Ho	ome (PCW No. 1)					
Case ID No.		()					
Reg. Ent. Reference No.							
							Years of
	Public Water S	ouppiy				<b>Percent Interest</b>	
Violation No.	9						Depreciation
						5.0	15
	<b>Item Cost</b>	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	<b>Costs Saved</b>	<b>EB Amount</b>
Item Description							
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	14-Mar-2022	11-Jan-2023	0.83	\$0	n/a	\$0
	The deleved				:++		-1
	•					ctant residual at lea	
Notes for DELAYED costs	seven days a	•	•		•	m, calculated from t	the date of the
		inv	estigation to th	e estima	ated date of compl	iance.	
Avoided Costs	ANNU	ALIZE avoided o	osts before er	terina	item (except for	one-time avoided	L costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
						·	
Notes for AVOIDED costs							
· ·							
Annual Cost of Compliance		#10			TOTAL		40
Approx. Cost of Compliance		\$10			TOTAL		\$0

	Screening Date			2022-0744-MLM-E	PCW
	•	City of New Home (PCW No. 1	l)	Ро	licy Revision 5 (January 28, 2021)
Dog	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.	Public Water Supply			
	Enf. Coordinator				
	<b>Violation Number</b>				
	Rule Cite(s)	30 Tex. <i>A</i>	Admin. Code § 290.121	(a) and (b)	
	Violation Description	monitoring plan that ident frequency, and specifies the	rifies all sampling locat	hemical and microbiological ions, describes the sampling and laboratories that the Faci ng requirements.	ity
				Base Pena	s5,000
>> Env	vironmental, Prope	rty and Human Health	Matrix		
	Release	<b>Harm</b> Major Moderate	Minor		
OR	Actual		1411101		
	Potential			Percent 0.0%	
>>Pro/	grammatic Matrix				
//P10	Falsification	Major Moderate	Minor		
		X		Percent 10.0%	
	Matrix Notes	100% of the rule	requirements were not	: met.	
			A	djustment \$4,	500
					\$500
Violatio	on Events				
Violati		/iolation Events 1	79	Number of violation days	
		daily weekly monthly quarterly semiannual annual single event x		Violation Base Pena	lty \$500
		One single e	vent is recommended.		
Good F	aith Efforts to Com	ply 0.0%		Reduct	on \$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlem		Ψ
		Extraordinary			
		Ordinary			
		N/A x  The Responde	ent does not meet the this violation.	good faith criteria for	
				Violation Subto	tal \$500
Econor	nic Benefit (EB) for	this violation		Statutory Limit Test	
	Estimat	ed EB Amount	\$8	Violation Final Penalty To	<b>tal</b> \$600
		This viola	ation Final Assessed	Penalty (adjusted for limi	<b>ts)</b> \$600

	E	conomic	Benefit	Wor	rksheet		
Respondent	City of New Ho	ome (PCW No. 1)					
Case ID No.		,					
Reg. Ent. Reference No.	RN101389146						
	Public Water S						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		•					
2002 200							
Delayed Costs				_			
Équipment				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	\$180	14-Mar-2022	10 Fab 2022	0.00	\$0 \$8	n/a n/a	\$0 \$8
Other (as needed)	\$100	14-Mar-2022	10-Feb-2023	0.91	\$0	II/d	\$0
	The delay	ed cost includes t	he estimated ar	nount t	o develop and beg	in maintaining a che	emical and
Notes for DELAYED costs						igation to the estim	
		,	,	complia		<b>3</b>	
4 11 16 1							
Avoided Costs	ANNU	ALIZE avoided c	osts before en			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 #0	\$0 #0	\$0 #0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
other (as necaca)		<u> </u>		0.00	1 40	<del>\$0</del>	<del>\$0</del>
Notes for AVOIDED costs							
Ammune Cost of Consession		+100			TOTAL		+0
Approx. Cost of Compliance		\$180			TOTAL		\$8



TO COM MISSION	No.	Pe	nalty Calcu	latio	n Worksl	heet (P0	CW)	
SHIT PONMENTAL OUR	Policy Rev	rision 5 (January 28,	2021)				PCW Revisi	on February 11, 2021
DATES	Assigned PCW	31-May-2022 1-Jun-2022	Screening 1-Jun	2022	EPA Due		1	
	PCVV	1-Juii-2022	Screening 1-Jul	-2022	EPA Due			
RESPO		TY INFORMATI						
Ren	Respondent . Ent. Ref. No.	City of New Hom	ne (PCW No. 2)					
_	y/Site Region				Major/M	linor Source	Minor	
646E TI	NEODMATION							
	NFORMATION f./Case ID No.	62479			No.	of Violations	1	
		2022-0744-MLM	-E		NOI V	Order Type		
Med	ia Program(s)				Government	t/Non-Profit	Yes	
	Multi-Media	Public Water Sup	oply		Enf.	Coordinator		2 00 0
Adn	nin. Penalty \$ I	Limit Minimum	\$0 Maxim	num [	\$5,000	EC S Team	Enforcement Tea	aiii o
			Penalty Ca	ılcula	tion Secti	on		
TOTAL	L BASE PENA	LTY (Sum of	violation base	penal	ties)		Subtotal 1	\$500
<b>ADILIC</b>	STMENTS (+	/-) TO SUBTO	OTAL 1				_	
ADJUS	Subtotals 2-7 are of	btained by multiplying	g the Total Base Penalty (	Subtotal 1	l) by the indicated	percentage.		
	Compliance Hi			20.0%	Adjustment		tals 2, 3, & 7	\$100
	Notes	Enhancemen	it for one agreed ord	ler conts	sining a denial (	of liability		
	Notes	Lilliancemer	it for one agreed ord	er conta	anning a demai c	of Hability.		
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	ca.pasc,	•						7.0
	Notes	The Re	spondent does not n	neet the	culpability crite	eria.		
							ı	
	<b>Good Faith Eff</b>	ort to Comply T	otal Adjustments				Subtotal 5	\$0
	<b>Economic Ben</b>	-			Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts   Cost of Compliance	\$18 \$360	*Capped	d at the Total EB \$	Amount		
01114 <i>0</i>								
SUM C	OF SUBTOTA	LS 1-/				F	inal Subtotal	\$600
OTHE	R FACTORS A	AS JUSTICE N	1AY REQUIRE		0.0%		Adjustment	\$0

				1
OTHER FACTORS A	AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final	Subtotal by the indicated percentage.			
Notos				

Notes Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$600 **DEFERRAL** 20.0% Adjustment Reduction -\$120 Reduces the Final Assessed Penalty by the indicated percentage.

\$600

Deferral offered for expedited settlement. Notes

**PAYABLE PENALTY** \$480

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

**Respondent** City of New Home (PCW No. 2)

**Case ID No.** 62479

Reg. Ent. Reference No. RN101389146

**Media** Water Rights

Enf. Coordinator Ryan Byer

Compliance History Site Enhancement (Subtotal 2)  Component Number of  Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of counts)	0 0 1 0 0	0% 0% 0% 0% 0% 0%					
Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of	0 0 1 0 0	0% 0% 20% 0% 0% 0% 0%					
NOVs the current enforcement action (number of NOVs meeting criteria) Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of	0 0 1 0 0 0	0% 20% 0% 0%					
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)  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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of	1 0 0	20% 0% 0% 0%					
Orders  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of	0 0	0% 0% 0%					
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  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of	0 0 0	0% 0% 0%					
Judgments and Consent Decrees  Of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  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  Convictions  Any criminal convictions of this state or the federal government (number of pudgments or consent decrees without a denial of liability, of this state or the federal government (number of pudgments or consent decrees meeting criteria)	0 0	0%					
Decrees  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  Convictions  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments are supplied final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of page 1).	0	0%					
I CONVICTIONS I '	0						
	0	00/					
Emissions Chronic excessive emissions events (number of events)		0%					
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%					
Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%					
Environmental management systems in place for one year or more	No	0%					
Other  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%					
Participation in a voluntary pollution reduction program	No	0%					
Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%					
Adjustment Per	rcentage (Sub	<b>btotal 2)</b> 2					
Repeat Violator (Subtotal 3)							
N/A Adjustment Per	rcentage (Sub	btotal 3)					
Compliance History Person Classification (Subtotal 7)							
Satisfactory Performer  Adjustment Percentage (Subtotal 7) 0%							
Compliance History Summary		_					
Compliance History Notes  Enhancement for one agreed order containing a denial of liability.							
Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> 2					
Final Compliance History Adjustment Final Adjustment Percent	tage *cannod	at 100% 2					

	Screenin	g Date	1-Jun-2022		Dock	et No.	2022-0744-MLM-E		PCW
	-		City of New Hom	e (PCW No. 2	2)			Policy I	Revision 5 (January 28, 2021)
		ID No.						PCI	W Revision February 11, 2021
Reg.	Ent. Referen								
			Water Rights						
	Enf. Coord								
	Violation								
	Rule	e Cite(s)	30 Tex. Admi	in. Code §§ 2	88.20(a) and 2 11.1272		)(B) and Tex. Water	Code §	
	Violation Des	scription	Failed to ad		t contingency puse by a retail		h includes all elemer ter supplier.	nts for	
							Bas	e Penalty	\$5,000
>> Env	ironmental,	Proper	ty and Huma	n Health M	1atrix				
		-	_	Harm					
OR		Release Actual	Major	Moderate	Minor				
		Potential					Percent 0.0%		
							0.0 70		
>>Prog	grammatic M								
	Fals	sification	Major	Moderate	Minor		Percent 10.0%	1	
			X				Percent 10.0%		
	Matrix Notes		100%	% of the rule	requirements v	vere not i	met.		
						Adj	ustment	\$4,500	
								Г	\$500
									ψ300
Violatio	on Events								
	Nu	ımber of \	/iolation Events	1		79	Number of violation	days	
	IVG	iniber or v	riolation Events	Т		79	Number of Violation	uays	
			daily						
			weekly						
			monthly quarterly				Violation Bas	se Penalty	\$500
			semiannual					, c	φ500
			annual						
			single event	Х					
				One single e	vent is recomn	nended.			
Good F	aith Efforts t	to Com	olv	0.0%				Reduction	\$0
23341			_		NOE/NOV to EDPR	RP/Settleme	nt Offer	Reduction	ΨŪ
			Extraordinary						
			Ordinary						
			N/A	Х				1	
			Notes	he Responde	ent does not me this vio	eet the go plation.	ood faith criteria for		
			_				Violation	າ Subtotal	\$500
Econom	nic Benefit (	EB) for	this violation	1			<b>Statutory Limit</b>	Test	
		_	ed EB Amount		¢10			_	\$600
		ESUIIIate	EU ED AINOUNT		\$18		Violation Final Pen	-	·
				This viola	ation Final As	sessed F	Penalty (adjusted	for limits)	\$600

	E	conomic	Benefit	Wor	ksheet		
Respondent	City of New Ho	ome (PCW No. 2)					
Case ID No.		( )					
Reg. Ent. Reference No.							
	Water Rights						Years of
Violation No.						<b>Percent Interest</b>	Depreciation
Violation ivo.	1					F 0	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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 Remediation/Disposal				0.00	\$0 \$0	n/a	\$0 \$0
Permit Costs				0.00	\$0 \$0	n/a n/a	\$0
Other (as needed)	\$360	14-Mar-2022	12-Mar-2023	0.00	\$18	n/a	\$18
Other (as needed)	\$300	14-Mai-2022	12-1401-2025	0.55	<u> </u>	II/ a	\$10
Notes for DELAYED costs	The delayed cost includes the estimated amount to draft and adopt a drought contingency process					lan, calculated	
		from the date	e of the investig	ation to	the estimated dat	e of compliance.	
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
cuiei (as necaca)		<u> </u>		0.00	ΨΟ	Ψ0	Ψ0
Notes for AVOIDED costs							
Annual Cost of Commission		#260			TOTAL		±10
Approx. Cost of Compliance		\$360			IOIAL		\$18

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



# Compliance History Report

Compliance History Report for CN600684245, RN101389146, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or CN600684245, City Of New Home Classification: SATISFACTORY Rating: 12.86

Owner/Operator:

Regulated Entity: RN101389146, CITY OF NEW HOME Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

**Location:** 106 EAST BROADWAY IN NEW HOME, LYNN COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1530004** 

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

**Date Compliance History Report Prepared:** May 31, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 31, 2017 to May 31, 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: 02/25/2020 ADMINORDER 2019-1102-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Minor

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

Description: Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well Nos. 1, 2, 3, and

4.

Classification: Minor

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

Description: Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Chemicals. Specifically,

the Respondent was using Valu Time Bleach for disinfection, which does not conform to ANSI/NSF Standard 60.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failed to provide the ground storage tank with a liquid level indicator. Specifically, the liquid level indicator was

broken and the mercury switch indicator in the pump house was inadequate.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 139 connections requiring a well capacity of 83.4 gpm. However, only 70 gpm was provided, indicating a 16% deficiency.

Classification: Minor

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

Description: Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper

enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. Specifically, provisions for the plumbing ordinance did not contain a cross-control program or Customer Service Inspections and did not prohibit the use of pipes and pipe fittings that contain more than 0.25% lead or solders and flux that contain more than 0.2% lead.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failed to verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations. Specifically, the accuracy of the Hach Pocket Chlorinator II was verified on January 10, 2018 and was not verified again until July 13, 2018, which is greater than 90 days. The July 13, 2018 verification was the last recorded verification.

#### **B.** Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

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

Item 1 February 22, 2018 (1465566)

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

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

N/A

#### F. Environmental audits:

N/A

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

N/A

#### H. Voluntary on-site compliance assessment dates:

N/A

#### I. Participation in a voluntary pollution reduction program:

N/A

# J. Early compliance:

N/A

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

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN \$ BEFORE THE
ENFORCEMENT ACTION \$
CONCERNING \$ TEXAS COMMISSION ON
CITY OF NEW HOME \$
RN101389146 \$ ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2022-0744-MLM-E

# I. JURISDICTION AND STIPULATIONS

On,	the Texas Commission on Environmental Quality ("the
Commission" or "TCEQ") conside	ered this agreement of the parties, resolving an enforcement
action regarding the City of New	Home (the "Respondent") under the authority of Tex. Health &
SAFETY CODE ch. 341 and Tex. WAT	TER CODE ch. 11. The Executive Director of the TCEQ, through
the Enforcement Division, and th	ne Respondent together stipulate that:

- 1. The Respondent owns and operates a public water supply located at 106 East Broadway in New Home, Lynn County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 168 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. Admin. Code § 290.38(71). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in Tex. Water Code ch. 11.021 and 30 Tex. Admin. Code § 297.1(51).
- 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 11.0842 and Tex. Health & Safety Code ch. 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 11.0842 and Tex. Health & Safety Code ch. 341.031 because it alleges violations of Tex. Water Code ch. 11, 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 \$8,998 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,199 of the penalty and \$1,799 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, 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 the following corrective measures at the Facility:
  - a. By maintaining a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system by March 15, 2022; and
  - b. By completing Customer Service Inspection ("CSI") certificates for 212 North Main Street, 327 Hiracheta Drive, and 205 Stadium Drive by April 6, 2022.

#### II. ALLEGATIONS

During an investigation at the Facility conducted on March 14, 2022 through March 28, 2022, an investigator documented that the Respondent:

- 1. 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 March 14, 2022, free chlorine residual concentrations of 0.05 mg/L and 0.09 mg/L were measured at 401 Smith Street and 358 North Main Street, respectively.
- 2. Failed to seal the wellhead by a gasket or sealing compound and provide a well casing vent with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(3)(K). Specifically, Well No. 2 was not provided with a well casing vent.
- 3. 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).
- 4. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized BPA tester and certified that they are operating within specifications, in violation of 30 Tex. Admin. Code § 290.44(h)(4). Specifically, the BPAs for The Spot Market & Cafe at 102 North Main Street, 212 North Main Street, the northwest corner of Smith Avenue and East Broadway, and the irrigation systems at new home construction had not been tested.

- 5. Failed to maintain water works operation and maintenance records and make them immediately available for review by the Executive Director upon request, in violation of 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(III), and (f)(3)(A)(ii)(III). Specifically, records of the amount of each chemical used each week were not maintained on-site for review and records of the amount of water treated and distributed each week were being recorded on a monthly basis and not weekly.
- 6. Failed to complete a CSI certificate prior to providing continuous service to new construction or any existing service when the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, or after any material improvements, corrections, or additions to the private water distribution system, in violation of 30 Tex. Admin. Code § 290.46(j). Specifically, CSIs had not been conducted at newly constructed homes at 327 Hiracheta Drive, 212 North Main Street, 205 Stadium Drive, and the northwest corner of East Broadway and Smith Avenue, and the remodeled cafe at 102 North Main Street.
- 7. Failed to inspect the Facility's ground storage tank ("GST") and standpipe annually, in violation of 30 Tex. ADMIN. CODE § 290.46(m)(1)(A).
- 8. 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).
- 9. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 Tex. ADMIN. CODE § 290.110(c)(4)(A). Specifically, the residual was only being checked at the City Hall.
- 10. 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, in violation of 30 Tex. ADMIN. CODE § 290.121(a) and (b).
- 11. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c).

#### 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 New Home, Docket No. 2022-0744-MLM-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week and records of the amount of water treated and distributed each week, in accordance with 30 Tex. ADMIN. Code § 290.46;
    - ii. Implement a CSI program so that CSI certificates are completed prior to providing continuous water service to new construction, or any existing service when the water purveyor has reason to believe that cross-connections or other potential hazards exist, or after any material improvements, corrections, or additions to the private water distribution facilities, in accordance with 30 Tex. ADMIN. CODE § 290.46;
    - iii. Conduct inspections of the Facility's GSTs and standpipes, in accordance with 30 Tex. ADMIN. CODE § 290.46;
    - iv. 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
    - v. Monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in accordance with 30 Tex. Admin. Code § 290.110.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.v.
  - c. Within 60 days after the effective date of this Order:
    - i. 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;
    - ii. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to The Spot Market & Cafe at 102 North Main Street, 212 North Main Street, the northwest corner of Smith Avenue and East Broadway, and the irrigation systems at new home construction, in accordance with 30 Tex. ADMIN. CODE § 290.44; and

- iii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 Tex. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f 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.iii.
- e. Within 90 days after the effective date of this Order:
  - i. Provide a well casing vent for Well No. 2 with an opening that is covered with 16-mesh or finer corrosion resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well, in accordance with 30 Tex. Admin. Code § 290.41;
  - ii. Complete a CSI for all existing locations at which the water purveyor has reason to believe cross-connections or other potential contamination hazards exist, including but not limited to the northwest corner of East Broadway and Smith Avenue, and the remodeled cafe at 102 North Main Street, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
  - iii. Prepare and adopt a complete drought contingency plan, in accordance with of 30 Tex. ADMIN. CODE §§ 288.20 and 288.30.
- f. Within 105 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 Nos. 2.e.i through 2.e.iii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 City of New Home DOCKET NO. 2022-0744-MLM-E Page 6

## with a copy to:

Water Section Manager Lubbock Regional Office Texas Commission on Environmental Quality 5012 50th Street, Suite 100 Lubbock, Texas 79414-3426

- 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. If the Respondent fails to comply with Ordering Provision No. 2.e.iii in this Order within the prescribed schedule, and that failure to caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate the minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed. substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

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9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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#### SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Cint	4/12/2023
For the Executive Director	Date
I, the undersigned, have read and understand the attacthe attached Order, and I do agree to the terms and con acknowledge that the TCEQ, in accepting payment for ton such representation.	nditions specified therein. I further
I also understand that failure to comply with the Order and/or failure to timely pay the penalty amount, may r	
<ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications subm</li> <li>Referral of this case to the OAG for contempt, inj and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement act Automatic referral to the OAG of any future enforcement.</li> <li>TCEQ seeking other relief as authorized by law.</li> </ul>	unctive relief, additional penalties, tions;
In addition, any falsification of any compliance documents.  Signature	ents may result in criminal prosecution. $\frac{3/22/2623}{\text{Date}}$
Name (Printed or typed) Authorized Representative of City of New Home	Title

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