

**Executive Summary – Enforcement Matter – Case No. 64360**

**City of Fredericksburg**

**RN101422400**

**Docket No. 2023-0977-PWS-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Fredericksburg PWS, 233 Friendship Lane, Fredericksburg, Gillespie 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:** April 11, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$20,100

**Amount Deferred for Expedited Settlement:** \$4,020

**Total Paid to General Revenue:** \$16,080

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** \$12

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** February 23, 2023 through June 26, 2023

**Date(s) of NOE(s):** July 19, 2023

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**City of Fredericksburg**  
**RN101422400**  
**Docket No. 2023-0977-PWS-E**

***Violation Information***

1. Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent. Specifically, the screens on the air release valves for Wells G0860001A, G0860001E, G0860001K, and G0860001L were greater than 16-mesh [30 TEX. ADMIN. CODE § 290.41(c)(3)(Q)].
2. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, for Well G0860001K, the well discharge line was leaking as a result of a loose bolt [30 TEX. ADMIN. CODE § 290.46(m)(4)].
3. Failed to provide the Facility's pressure tank with a pressure release device [30 TEX. ADMIN. CODE § 290.43(d)(2)].
4. Failed to keep on file copies of well completion data for as long as the well remains in service. Specifically, the well log or exception to the requirement was not provided for Well G0860001D [30 TEX. ADMIN. CODE § 290.46(n)(3)].
5. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual did not include information regarding the fluorosilicic acid, the new elevated ground storage tanks (“GSTs”) located at the North Tank and Cross Mountain Plants, the new GST and service pumps located at the Knauth Plant, and emergency contacts [30 TEX. ADMIN. CODE § 290.42(l)].
6. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells G0860001A, G0860001C, G0860001D, G0860001E, G0860001K, G0860001L, and G0860001N [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].
7. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned. Specifically, the South Heights Plant plans only contained the discharge header, the water system improvement plans were for distribution only, and a 300,000-gallon GST that was not installed was included on the plans. Additionally, the plans for Goehmann Plant, Windcrest Plant and Cross Mountain Plant were not maintained [30 TEX. ADMIN. CODE § 290.46(n)(1)].
8. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 299 connections in the Windcrest Pressure Plane requiring a capacity of 5,980 gallons. However, only 2,000 gallons of pressure tank capacity were provided, indicating a 67% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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9. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of backflow prevention device programs, Consumer Confidence Report compliance documentation, and copies of Customer Service Inspection reports were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), (f)(3)(D)(vii), and (f)(3)(E)(iv)].

10. Failed to develop and maintain an up-to-date Sample Siting Plan that includes routine and repeat microbial sampling sites and a sample collection schedule representative of water throughout the distribution system, all groundwater sources and any associated sampling points, distribution system maps, and part of the public water system's monitoring plan [30 TEX. ADMIN. CODE § 290.109(d)(6)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. On March 14, 2023, provided a copy of the well log for Well G0860001D;
- b. On June 9, 2023, provided 16-mesh or finer screening on Wells G0860001A, G0860001E, G0860001K, and G0860001L;
- c. On June 9, 2023, replaced the leaking discharge line on Well G0860001K;
- d. On June 9, 2023, a pressure release device was installed on the pressure tank; and
- e. On June 19, 2023, maintained an up-to-date Sample Siting Plan.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, compile and maintain properly completed water works operation and maintenance records, including but not limited to the records of backflow prevention device programs, Consumer Confidence Report compliance documentation, and copies of Customer Service Inspection reports.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days, begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

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**City of Fredericksburg**

**RN101422400**

**Docket No. 2023-0977-PWS-E**

e. Within 90 days:

i. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank; and

ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Wells G0860001A, G0860001C, G0860001D, G0860001E, G0860001K, G0860001L, and G0860001N or obtain Commission approval of an exception to the easement requirement.

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

g. Within 180 days, provide a pressure tank capacity of at least 20 gallons per connection.

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

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Kaisie Hubschmitt, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1482; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Jeryl Hoover, Mayor, City of Fredericksburg, 126 West Main Street, Fredericksburg, Texas 78624

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	24-Jul-2023	<b>Screening</b>	25-Jul-2023	<b>EPA Due</b>	
	<b>PCW</b>	25-Jul-2023				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Fredericksburg
<b>Reg. Ent. Ref. No.</b>	RN101422400
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	64360	<b>No. of Violations</b>	10
<b>Docket No.</b>	2023-0977-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Kaisie Hubschmitt
		<b>EC's Team</b>	Enforcement Team 5
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$22,600
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$2,512
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$1,089  
Estimated Cost of Compliance \$6,840  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$20,088
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$20,088

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$20,100
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<b>DEFERRAL</b>	20.0%	<b>Reduction</b>	<b>Adjustment</b>	-\$4,020
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$16,080
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<b>Screening Date</b>	25-Jul-2023	<b>Docket No.</b>	2023-0977-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Fredericksburg			
<b>Case ID No.</b>	64360			
<b>Reg. Ent. Reference No.</b>	RN101422400			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Kaisie Hubschmitt			

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

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

**Adjustment Percentage (Subtotal 2)** 0%

### >> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3)** 0%

### >> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

**Adjustment Percentage (Subtotal 7)** 0%

### >> Compliance History Summary

**Compliance History Notes**

No adjustment for compliance history.

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

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt		<b>Docket No.</b> 2023-0977-PWS-E <b>PCW</b>																		
		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																		
<b>Violation Number</b> 1																				
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.41(c)(3)(Q)																		
<b>Violation Description</b>		Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent. Specifically, the screens on the air release valves for Wells G0860001A, G0860001E, G0860001K, and G0860001L were greater than 16-mesh.																		
		<b>Base Penalty</b>	\$5,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1"> <thead> <tr> <th></th> <th colspan="3">Harm</th> </tr> <tr> <th>Release</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td>x</td> <td></td> </tr> </tbody> </table>				Harm			Release	Major	Moderate	Minor	Actual				Potential		x		<b>Percent</b> 15.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual																				
Potential		x																		
<b>&gt;&gt; Programmatic Matrix</b>																				
Matrix Notes	<table border="1"> <thead> <tr> <th></th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> </thead> <tbody> <tr> <td>Falsification</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Major	Moderate	Minor	Falsification				<b>Percent</b> 0.0%								
		Major	Moderate	Minor																
	Falsification																			
Failure to properly screen the openings of the air-release devices could result in the introduction of a significant amount of contaminants which would not exceed levels protective of human health.																				
			<b>Adjustment</b> \$4,250																	
			\$750																	
<b>Violation Events</b>																				
Number of Violation Events 2		106 Number of violation days																		
<table border="1"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td>x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>		daily		weekly		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$1,500				
daily																				
weekly																				
monthly																				
quarterly	x																			
semiannual																				
annual																				
single event																				
Two quarterly events are recommended, calculated from the date of the investigation, February 23, 2023, to the date of compliance, June 9, 2023.																				
<b>Good Faith Efforts to Comply</b>		25.0%	Reduction \$375																	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary		x																		
N/A																				
Notes		The Respondent achieved compliance on June 9, 2023.																		
		<b>Violation Subtotal</b>	\$1,125																	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
Estimated EB Amount \$3		Violation Final Penalty Total \$1,125																		
		This violation Final Assessed Penalty (adjusted for limits) \$1,125																		

# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	23-Feb-2023	9-Jun-2023	0.29	\$3	n/a	\$3
<b>Notes for DELAYED costs</b> The delayed cost includes the estimated amount to properly screen the opening of the air-release device (\$50 per well x four wells) with a 16-mesh or finer, corrosion-resistant screening material or an acceptable equivalent, calculated from the date of the investigation to the date of compliance.							

## Avoided Costs

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

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

Approx. Cost of Compliance \$200

**TOTAL** \$3



<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(m)(4)
<b>Violation Description</b>	Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, for Well G0860001K, the well discharge line was leaking as a result of a loose bolt.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to maintain the well discharge line in watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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<b>Adjustment</b>	\$4,250
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	\$750
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**Violation Events**

Number of Violation Events	2	106	Number of violation days
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	daily				
	weekly				
	monthly				
	quarterly	x		<b>Violation Base Penalty</b>	\$1,500
	semiannual				
	annual				
	single event				

Two quarterly events are recommended, calculated from the date of the investigation, February 23, 2023, to the date of compliance, June 9, 2023.
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**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on June 9, 2023.	

<b>Violation Subtotal</b>	\$1,125
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$10	<b>Violation Final Penalty Total</b>
		\$1,125
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,125

# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	23-Feb-2023	9-Jun-2023	0.29	\$0	\$10	\$10
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to repair the leak in Well G0860001K well discharge line, calculated from the date of the investigation to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$500

**TOTAL** \$10

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	3
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.43(d)(2)
<b>Violation Description</b>	Failed to provide the Facility's pressure tank with a pressure release device.

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to provide a pressure release device on the pressure tank could result in excess pressurization and expose persons served by the Facility to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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	\$1,500
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**Violation Events**

Number of Violation Events	4	106	Number of violation days
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	daily					
	weekly					
	monthly	x				
	quarterly					
	semiannual					
	annual					
	single event					

<b>Violation Base Penalty</b>	\$6,000
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Four monthly events are recommended, calculated from the date of the investigation, February 23, 2023, to the date of compliance, June 9, 2023.	
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**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on June 9, 2023.	

<b>Violation Subtotal</b>	\$4,500
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$4	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	\$4,500
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$4,500
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# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$200	23-Feb-2023	9-Jun-2023	0.29	\$0	\$4	\$4
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide the pressure tank with a pressure release device, calculated from the date of the investigation to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$200

**TOTAL** \$4

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.46(n)(3)
<b>Violation Description</b>	Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, the well log or exception to the requirement was not provided for Well G0860001D.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="1.0%"/>

Matrix Notes	Less than 30% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,950
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	\$50
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**Violation Events**

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="19"/>	Number of violation days
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	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>		
															<b>Violation Base Penalty</b>	\$50

One single event is recommended.
----------------------------------

**Good Faith Efforts to Comply**

	<b>25.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>
Notes	The Respondent achieved compliance on March 14, 2023.	

<b>Violation Subtotal</b>	\$38
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$0
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$38
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$50
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# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	23-Feb-2023	14-Mar-2023	0.05	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to keep on file well completion data at the Facility, calculated from the date of the investigation to the date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$180

**TOTAL** \$0

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	5	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.42(l)
<b>Violation Description</b>	Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the plant operations manual did not include information regarding the fluorosilicic acid, the new elevated ground storage tanks ("GSTs") located at the North Tank and Cross Mountain Plants, the new GST and service pumps located at the Knauth Plant, and emergency contacts.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0.0%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="1.0%"/>

Matrix Notes	Less than 30% of the rule requirement was not met.
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<b>Adjustment</b>	\$4,950
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	\$50
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**Violation Events**

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	<input style="width: 50px;" type="text" value="152"/>	Number of violation days
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	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>		
															<b>Violation Base Penalty</b>	\$50

One single event is recommended.
----------------------------------

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>
Notes	The Respondent does not meet the good faith criteria for this violation.	

<b>Violation Subtotal</b>	\$50
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$23
<b>Violation Final Penalty Total</b>	\$50
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$50

# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	23-Feb-2023	29-Aug-2025	2.52	\$23	n/a	\$23
Notes for DELAYED costs	The delayed cost includes the estimated amount to update the plant operations manual, calculated from the date of the investigation to the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	<b>TOTAL</b>		\$23



<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	6	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.41(c)(1)(F)
<b>Violation Description</b>	Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells G0860001A, G0860001C, G0860001D, G0860001E, G0860001K, G0860001L, and G0860001N.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential			x	<b>Percent</b> 7.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes	Failure to have a sanitary control easement in place could expose persons served by the Facility to an insignificant amount of contaminants which do not exceed levels protective of human health.
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<b>Adjustment</b>	\$4,650
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	\$350
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**Violation Events**

Number of Violation Events	7	152	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

<b>Violation Base Penalty</b>	\$2,450
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Seven single events are recommended (one event per well).	
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**Good Faith Efforts to Comply**

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

<b>Violation Subtotal</b>	\$2,450
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$23
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$2,450
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,450
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# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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)	\$175	23-Feb-2023	28-Sep-2025	2.60	\$23	n/a	\$23
<b>Notes for DELAYED costs</b> The delayed cost includes the estimated amount to obtain and record the sanitary control easement for the Facility's wells (\$25 per well x seven wells), or obtain an exception to the requirement, calculated from the date of the investigation to the estimated date of compliance.							

## Avoided Costs

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

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

Approx. Cost of Compliance \$175

**TOTAL** \$23

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	7	<b>Rule Cite(s)</b>
		30 Tex. Admin. Code § 290.46(n)(1)
<b>Violation Description</b>		Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned. Specifically, the South Heights Plant plans only contained the discharge header, the water system improvement plans were for distribution only, and a 300,000-gallon GST that was not installed was included on the plans. Additionally, the plans for Goehmann Plant, Windcrest Plant and Cross Mountain Plant were not maintained.

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> 0.0%

**>> Programmatic Matrix**

	<b>Falsification</b>				
	Major	Moderate	Minor		
	x				
					<b>Percent</b> 20.0%

Matrix Notes	Greater than 70% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,000
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	\$1,000
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**Violation Events**

Number of Violation Events	1	152	Number of violation days
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	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

<b>Violation Base Penalty</b>	\$1,000
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One single event is recommended.
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**Good Faith Efforts to Comply**

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

<b>Violation Subtotal</b>	\$1,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$23	<b>Violation Final Penalty Total</b> \$1,000
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,000	

# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$180	23-Feb-2023	28-Sep-2025	2.60	\$23	n/a	\$23
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to compile and maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the estimated date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance \$180

**TOTAL** \$23

<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	8	
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 299 connections in the Windcrest Pressure Plane requiring a capacity of 5,980 gallons. However, only 2,000 gallons of pressure tank capacity were provided, indicating a 67% deficiency.	

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			<b>Percent</b>
		Major	Moderate	Minor	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

**>> Programmatic Matrix**

<b>OR</b>	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
		<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

<b>Matrix Notes</b>	Failure to provide adequate pressure tank capacity could result in low pressure throughout the distribution system exposing persons served by the Facility to contaminants which would exceed levels protective of human health.
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<b>Adjustment</b>	\$3,500
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<b>Adjustment</b>	\$1,500
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**Violation Events**

Number of Violation Events	6	152	Number of violation days
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	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<b>Violation Base Penalty</b>
	weekly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	
	single event	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	

Six monthly events are recommended, calculated from the date of the investigation, February 23, 2023, to the date of screening, July 25, 2023.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Ordinary	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
N/A	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
Notes	The Respondent does not meet the good faith criteria for this violation.	

<b>Violation Subtotal</b>	\$9,000
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$995
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$9,000
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$9,000
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# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	23-Feb-2023	27-Dec-2025	2.84	\$47	\$948	\$995
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	<b>TOTAL</b>	\$995
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<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	9		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(B)(v), (f)(3)(D)(vii), and (f)(3)(E)(iv)		
<b>Violation Description</b>	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of backflow prevention device programs, Consumer Confidence Report compliance documentation, and copies of Customer Service Inspection reports were not maintained on-site for review.		

<b>Base Penalty</b>	\$5,000
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**>> Environmental, Property and Human Health Matrix**

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

0.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	

1.0%

Matrix Notes	Less than 30% of the rule requirements were not met.
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<b>Adjustment</b>	\$4,950
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	\$50
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**Violation Events**

Number of Violation Events	1	152	Number of violation days
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	daily	<input type="text"/>	<b>Violation Base Penalty</b>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

\$50

One single event is recommended.
----------------------------------

**Good Faith Efforts to Comply**

<b>0.0%</b>	<b>Reduction</b>
	\$0

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

Notes	The Respondent does not meet the good faith criteria for this violation.
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<b>Violation Subtotal</b>	\$50
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**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$5	<b>Statutory Limit Test</b>
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<b>Violation Final Penalty Total</b>	\$50
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<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$50
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# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	23-Feb-2023	30-Jul-2025	2.43	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the date of the investigation to the estimated date of compliance.							
Notes for DELAYED costs							

## Avoided Costs

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

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

Approx. Cost of Compliance \$45

**TOTAL** \$5



<b>Screening Date</b> 25-Jul-2023 <b>Respondent</b> City of Fredericksburg <b>Case ID No.</b> 64360 <b>Reg. Ent. Reference No.</b> RN101422400 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Kaisie Hubschmitt	<b>Docket No.</b> 2023-0977-PWS-E	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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<b>Violation Number</b>	10		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.109(d)(6)		
<b>Violation Description</b>	Failed to develop and maintain an up-to-date Sample Siting Plan that includes routine and repeat microbial sampling sites and a sample collection schedule representative of water throughout the distribution system, all groundwater sources and any associated sampling points, distribution system maps, and part of the public water system's monitoring plan as defined in 30 Tex. Admin. Code § 290.121.		
<b>Base Penalty</b>			\$5,000

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
		<b>Percent</b>			0.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			
		<b>Percent</b>			20.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
<b>Adjustment</b>					\$4,000

	\$1,000
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**Violation Events**

Number of Violation Events	1	116	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
<b>Violation Base Penalty</b>		\$1,000	

**Good Faith Efforts to Comply**

	25.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on June 19, 2023.		
<b>Violation Subtotal</b>		\$750	

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$3
<b>Statutory Limit Test</b>	
<b>Violation Final Penalty Total</b>	\$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$750	

# Economic Benefit Worksheet

**Respondent** City of Fredericksburg  
**Case ID No.** 64360  
**Reg. Ent. Reference No.** RN101422400  
**Media** Public Water Supply  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	23-Feb-2023	19-Jun-2023	0.32	\$3	n/a	\$3
Notes for DELAYED costs	The delayed cost includes the estimated amount to complete and begin maintaining a Sample Siting Plan that includes routine and repeat microbial sampling sites and a sample collection schedule representative of water throughout the distribution system, all groundwater sources and any associated sampling points, distribution system maps, and part of the public water system's monitoring plan, calculated from the date of the investigation to the date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</b>							
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	<b>TOTAL</b>		\$3



# Compliance History Report

Compliance History Report for CN600527238, RN101422400, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600527238, City of Fredericksburg	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	3.70
<b>Regulated Entity:</b>	RN101422400, CITY OF FREDERICKSBURG	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	233 FRIENDSHIP LANE IN FREDERICKSBURG, GILLESPIE COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 13 - SAN ANTONIO				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0860001				
<b>Compliance History Period:</b>	September 01, 2019 to August 31, 2024	<b>Rating Year:</b>	2024	<b>Rating Date:</b>	09/01/2024
<b>Date Compliance History Report Prepared:</b>	January 22, 2025				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 22, 2020 to January 22, 2025				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Kaisie Hubschmitt		<b>Phone:</b>	(512) 239-1482	

## Site and Owner/Operator History:

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

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

**A. Final Orders, court judgments, and consent decrees:**  
N/A

**B. Criminal convictions:**  
N/A

**C. Chronic excessive emissions events:**  
N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**  
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.  
N/A

**F. Environmental audits:**  
N/A

**G. Type of environmental management systems (EMSs):**  
  
N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF FREDERICKSBURG  
RN101422400

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-0977-PWS-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Fredericksburg (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply located at 233 Friendship Lane in Fredericksburg, Gillespie County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 7,630 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$20,100 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$16,080 of the penalty and \$4,020 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. On March 14, 2023, provided a copy of the well log for Well G0860001D;
  - b. On June 9, 2023, provided 16-mesh or finer screening on Wells G0860001A, G0860001E, G0860001K, and G0860001L;
  - c. On June 9, 2023, replaced the leaking discharge line on Well G0860001K;
  - d. On June 9, 2023, a pressure release device was installed on the pressure tank; and
  - e. On June 19, 2023, maintained an up-to-date Sample Siting Plan.

## II. ALLEGATIONS

During an investigation at the Facility conducted on February 23, 2023 through June 26, 2023, an investigator documented that the Respondent:

1. Failed to ensure that all openings to the atmosphere are covered with a 16-mesh or finer corrosion-resistant screening material or an acceptable equivalent, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(Q). Specifically, the screens on the air release valves for Wells G0860001A, G0860001E, G0860001K, and G0860001L were greater than 16-mesh.
2. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, for Well G0860001K, the well discharge line was leaking as a result of a loose bolt.
3. Failed to provide the Facility's pressure tank with a pressure release device, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
4. Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN.

CODE § 290.46(n)(3). Specifically, the well log or exception to the requirement was not provided for Well G0860001D.

5. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l). Specifically, the plant operations manual did not include information regarding the fluorosilicic acid, the new elevated ground storage tanks ("GSTs") located at the North Tank and Cross Mountain Plants, the new GST and service pumps located at the Knauth Plant, and emergency contacts.
6. Failed to obtain a sanitary control easement covering land within 150 feet of the Facility's Wells G0860001A, G0860001C, G0860001D, G0860001E, G0860001K, G0860001L, and G0860001N, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
7. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1). Specifically, the South Heights Plant plans only contained the discharge header, the water system improvement plans were for distribution only, and a 300,000-gallon GST that was not installed was included on the plans. Additionally, the plans for Goehmann Plant, Windcrest Plant and Cross Mountain Plant were not maintained.
8. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 299 connections in the Windcrest Pressure Plane requiring a capacity of 5,980 gallons. However, only 2,000 gallons of pressure tank capacity were provided, indicating a 67% deficiency.
9. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), (f)(3)(D)(vii), and (f)(3)(E)(iv). Specifically, the records of backflow prevention device programs, Consumer Confidence Report compliance documentation, and copies of Customer Service Inspection reports were not maintained on-site for review.
10. Failed to develop and maintain an up-to-date Sample Siting Plan that includes routine and repeat microbial sampling sites and a sample collection schedule representative of water throughout the distribution system, all groundwater sources and any associated sampling points, distribution system maps, and part of the public water system's monitoring plan as defined in 30 TEX. ADMIN. CODE § 290.121, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(6).

### **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 Fredericksburg, Docket No. 2023-0977-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, compile and maintain properly completed water works operation and maintenance records, including but not limited to the records of backflow prevention device programs, Consumer Confidence Report compliance documentation, and copies of Customer Service Inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Order, 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.
  - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
  - e. Within 90 days after the effective of this Order:
    - i. Compile and maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Wells G0860001A, G0860001C, G0860001D, G0860001E, G0860001K, G0860001L, and G0860001N, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality



P.O. Box 13087  
Austin, Texas 78711-3087

- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i. and 2.e.ii.
- g. Within 180 days after the effective date of this Order, provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

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

shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----  
For the Executive Director

5/9/2025

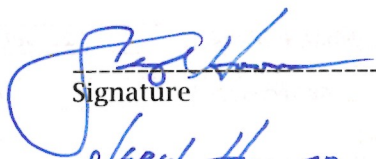
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Date

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

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

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

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

  
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Signature

02/24/2025  
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Date

Jeryl Hoover  
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Name (Printed or typed)  
Authorized Representative of  
City of Fredericksburg

Mayor  
-----  
Title

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

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