

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1024-PWS-E **TCEQ ID:** RN101453884 **CASE NO.:** 30527
RESPONDENT NAME: City of Meadow

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of Meadow, 906 1st Street, Meadow, Terry County

TYPE OF OPERATION: Community water system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 15, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Section II, MC 219, (512) 239-0321; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Sally Paramo, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-6675

Respondent: The Honorable Eloisa Cuellar, Mayor, City of Meadow, P. O. Box 156, Meadow, Texas 79345-0156

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 1, 2006</p> <p>Date of NOE Relating to this Case: July 11, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Three violations were documented.</p> <p>WATER</p> <p>1) Exceeded the maximum contaminant level for total coliform and failed to provide public notice of the total coliform exceedance [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to collect all required repeat samples within 24 hours of being notified of a total coliform positive result on a routine sample and failed to provide public notice of the failure [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].</p> <p>3) Failed to collect at least five routine bacteriological samples following total coliform positive results the preceding month and failure to provide public notice of the failure [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(b)(2)(A)].</p>	<p>Total Assessed: \$1,563</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,563</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: The Respondent had three repeated NOV's for the same violation over the prior five year period.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City returned to compliance for total coliform in February of 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately after the effective date of this Agreed Order, begin collecting bacteriological samples and posting notice of sampling; and</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	17-Jul-2006		
	PCW	31-Jul-2006	Screening	31-Jul-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Meadow
Reg. Ent. Ref. No.	RN101453884
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30527	No. of Violations	3
Docket No.	2006-1024-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Harvey Wilson
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25% Enhancement	Subtotals 2, 3, & 7	\$313
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Notes: A 25% enhancement is recommended because the respondent has received 5 NOVs for the same violations within the past 5 years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the Good Faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$683	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$650	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,563
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,563
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,563
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DEFERRAL		Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No Deferral offered for a findings order.

PAYABLE PENALTY	\$1,563
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Screening Date	31-Jul-2006	Docket No.	2006-1024-PWS-E	PCW
Respondent	City of Meadow	Policy Revision 2 (September 2002)		
Case ID No.	30527	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101453884			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Harvey Wilson			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	5	25%
	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 judgements 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 disclosed)</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	<i>Please Enter Yes or No</i>		
	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) 25%

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

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

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

>> **Compliance History Summary**

Compliance History Notes A 25% enhancement is recommended because the respondent has received 5 NOVs for the same violations within the past 5 years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date	31-Jul-2006	Docket No.	2006-1024-PWS-E	PCW
Respondent	City of Meadow	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30527	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101453884			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Harvey Wilson			
Violation Number	<input type="text" value="1"/>			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2)(A)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Exceeded the Maximum Contaminant Level (MCL) for total coliform and failed to provide public notice of the total coliform exceedance in May and December of 2005.			
Base Penalty				<input type="text" value="\$1,000"/>

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent <input type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent <input type="text"/>
Matrix Notes	As a result of this exceedance, customers of the water supply have been exposed to significant amounts of total coliform at levels that are protective of human health.					
	Adjustment					<input type="text" value="-750"/>

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$500"/>
	monthly	X	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$210"/>	Violation Final Penalty Total <input type="text" value="\$625"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$625"/>	

Economic Benefit Worksheet

Respondent: City of Meadow
 Case ID No: 30527
 Reg. Ent. Reference No: RN101453884
 Media [Statute]: 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	Overtime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	01-May-2005	31-Dec-2005	1.0	\$10	\$200	\$210
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs The avoided cost include the additional sampling and oversight that could have prevented the total coliform exceedances and the amount to provide public notice of the exceedances, calculated for the months in which the exceedances occurred.							

Approx. Cost of Compliance \$200

TOTAL \$210

Screening Date	31-Jul-2006	Docket No.	2006-1024-PWS-E	PCW
Respondent	City of Meadow	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30527	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101453884			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Harvey Wilson			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	<input type="text" value="Failed to collect all required repeat samples within 24 hours of being notified of a total coliform positive result on a routine sample and failed to provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform positive result in November and December of 2005."/>			
Base Penalty				<input type="text" value="\$1,000"/>

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to properly sample and provide public notice could result in customers of the water supply being exposed to significant amounts of total coliform at levels that are not protective of human health."/>					
Adjustment						<input type="text" value="-750"/>

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$263"/>	Violation Final Penalty Total <input type="text" value="\$625"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$625"/>	

Economic Benefit Worksheet

Respondent: City of Meadow
 Case ID No: 30527
 Reg. Ent. Reference No: RN101453884
 Media [Statute]: 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	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$250	01-Nov-2005	31-Dec-2005	1.0	\$13	\$250	\$263
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs The avoided costs include the amount to perform the required bacteriological sampling and provide public notice, calculated for the months in which all repeat sampling and notice should have occurred.							

Approx. Cost of Compliance \$250

TOTAL \$263

Screening Date	31-Jul-2006	Docket No.	2006-1024-PWS-E	PCW
Respondent	City of Meadow	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30527	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101453884			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Harvey Wilson			
Violation Number	<input type="text" value="3"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(b)(2)(A)"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	<input type="text" value="Failed to collect at least five routine bacteriological samples following total coliform positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in January of 2006."/>			
Base Penalty				<input type="text" value="\$1,000"/>

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input checked="" type="checkbox"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$210"/>	Violation Final Penalty Total <input type="text" value="\$313"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$313"/>	

Economic Benefit Worksheet

Respondent: City of Meadow
 Case ID No.: 30527
 Reg. Ent. Reference No.: RN101453884
 Media [Statute]: 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	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	01-Jan-2006	31-Jan-2006	1.0	\$10	\$200	\$210
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform bacteriological monitoring and provide public notice, calculated for the four additional samples required in January of 2006 when only one of the five additional samples were taken, and no notice were performed.

Approx. Cost of Compliance \$200

TOTAL \$210

Compliance History

Customer/Respondent/Owner-Operator:	CN600755029 City of Meadow	Classification: AVERAGE	Rating: 1.20
Regulated Entity:	RN101453884 CITY OF MEADOW	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	2230002 2230002
Location:	906 1ST STREET, MEADOW, TX, 79345		
TCEQ Region:	REGION 02 - LUBBOCK		
Date Compliance History Prepared:	July 19, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 19, 2001 to July 19, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Harvey Wilson Phone: 239-0321

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 03/21/2005 (374642)

N/A

2 02/23/2006 (486559)

3 12/21/2005 (486512)

4 03/16/2006 (458566)

5 02/20/2003 (21698)

6 07/13/2006 (486592)

7 12/08/2004 (343309)

8 05/25/2005 (486328)

9 10/17/2003 (252496)

10 12/16/2005 (486546)

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

Date: 12/21/2005 (486512)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to collect any repeat samples in 11/2005 following a coliform found result.

Date: 01/25/2006 (486546)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: Failure to collect all the repeat samples in 12/2005 following a coliform found results.

Date: 05/25/2005 (486328)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: Exceeded a Maximum Contaminant Level (MCL) Violation in 05/2005.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: Failure to post a PN for exceeding a Maximum Contaminant Level (MCL) Violation in 05/2005.

Date: 02/23/2006 (486559)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
Description: Failure to collect all of the 5 distribution samples in 01/2006 following a coliform found month.

Date: 12/16/2005 (486546)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: Exceeded a Maximum Contaminant Level (MCL) Violation in 12/2005.

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 MEADOW
RN101453884**

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

AGREED ORDER DOCKET NO. 2006-1024-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Meadow ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a community water system at 906 1st Street in Meadow, Terry County, Texas (the "Facility") that has approximately 230 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review on February 1, 2006, TCEQ staff documented that the City exceeded the maximum contaminant level ("MCL") for total coliform and did not provide public notice of the total coliform exceedance in May and December of 2005.
3. During a record review on February 1, 2006, TCEQ staff documented that the City did not collect all required repeat samples within 24 hours of being notified of a total coliform positive result on

a routine sample and did not provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform positive result in November and December of 2005.

4. During a record review on February 1, 2006, TCEQ staff documented that the City failed to collect at least five routine bacteriological samples following total coliform positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in January of 2006.
5. The City received notice of the violations on or about July 17, 2006.
6. The Executive Director recognizes that the City returned to compliance for total coliform in February of 2006.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, the City exceeded the MCL for total coliform and failed to provide public notice of the total coliform exceedance, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3, the City failed to collect all required repeat samples within 24 hours of being notified of a total coliform positive result on a routine sample and failed to provide public notice of the failure, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 4, the City failed to collect at least five routine bacteriological samples following total coliform positive results the preceding month and failure to provide public notice of the failure, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(b)(2)(A).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand Five Hundred Sixty-Three Dollars (\$1,563) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid the One Thousand Five Hundred Sixty-Three Dollar (\$1,563) administrative penalty.

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III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of One Thousand Five Hundred Sixty-Three Dollars (\$1,563), as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Meadow, Docket No. 2006-1024-PWS-E" to:

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

2. The City shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, begin collecting bacteriological samples and posting notice of sampling as required by 30 TEX. ADMIN. CODE §§ 290.109 and 290.122; and
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2a. The certification shall be notarized by a State of Texas Notary Public and 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 fine and imprisonment for knowing violations."

Submit certification required by these Ordering Provisions to:

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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data collection and analysis. It identifies common issues such as data quality, integration, and security, and provides strategies to mitigate these risks.

5. The fifth part of the document discusses the importance of data security and privacy. It outlines best practices for protecting sensitive information and ensuring compliance with relevant regulations and standards.

6. The sixth part of the document explores the role of data in strategic planning and performance management. It explains how data-driven insights can help organizations identify trends, set goals, and track progress effectively.

7. The seventh part of the document concludes by summarizing the key findings and recommendations. It emphasizes the need for a data-driven culture and continuous improvement in data management practices to achieve long-term success.

8. The eighth part of the document provides a detailed overview of the data collection and analysis process, including the steps from data identification to final reporting and interpretation.

9. The ninth part of the document discusses the importance of data governance and the role of various stakeholders in ensuring data quality and integrity throughout the organization.

10. The tenth part of the document provides a comprehensive review of the data collection and analysis process, highlighting the key challenges and opportunities for future research and development.

11. The eleventh part of the document discusses the role of data in driving innovation and growth in the organization. It explains how data-driven insights can help identify new market opportunities and develop innovative products and services.

12. The twelfth part of the document concludes by summarizing the key findings and recommendations. It emphasizes the need for a data-driven culture and continuous improvement in data management practices to achieve long-term success.

13. The thirteenth part of the document provides a detailed overview of the data collection and analysis process, including the steps from data identification to final reporting and interpretation.

14. The fourteenth part of the document discusses the importance of data governance and the role of various stakeholders in ensuring data quality and integrity throughout the organization.

15. The fifteenth part of the document provides a comprehensive review of the data collection and analysis process, highlighting the key challenges and opportunities for future research and development.

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
4630 50th Street, Suite 600
Lubbock, Texas Lubbock, TX 79414-3520

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the implementation of data-driven decision-making processes. It discusses how the collected data is used to identify trends, assess risks, and make strategic decisions that align with the organization's goals.

4. The fourth part of the document addresses the challenges and limitations of data analysis. It notes that while data provides valuable insights, it is not infallible and must be interpreted with care, taking into account potential biases and uncertainties.

5. The fifth part of the document discusses the importance of data security and privacy. It emphasizes the need for robust security measures to protect sensitive information and ensure compliance with relevant regulations and standards.

6. The sixth part of the document concludes by summarizing the key findings and recommendations. It stresses the ongoing nature of data analysis and the need for continuous monitoring and improvement of the data management process.

7. The seventh part of the document provides a detailed overview of the data collection and analysis process, including the specific steps involved in each stage and the tools and techniques used throughout the process.

8. The eighth part of the document discusses the role of data in various business functions, such as marketing, sales, and operations. It illustrates how data-driven insights can be applied to optimize performance and drive growth in these areas.

9. The ninth part of the document addresses the ethical considerations surrounding data analysis. It discusses the importance of transparency, fairness, and respect for individual privacy in the use of data, and provides guidelines for ethical data practices.

10. The tenth part of the document provides a final summary and outlook for the future of data analysis. It highlights the potential of emerging technologies and the need for organizations to stay up-to-date with the latest trends and developments in the field.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/26/07

Date

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

I understand that by entering into this Agreed Order, City of Meadow waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Eloisa Cuellar

Signature

10-13-06

Date

Eloisa Cuellar

Name (printed or typed)
Authorized Representative
City of Meadow

Mayor

Title

