EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1996-MLM-E **TCEQ ID:** RN100524099 and RN103026043 **CASE NO.:** 27420

RESPONDENT NAME: City of Laredo

ORDER TYPE:

__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	__PETROLEUM STORAGE TANKS	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
X MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	X WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: United Water Laredo Zacate Creek WWTP, on the banks of the Rio Grande River, between Marcella Avenue and Springfield Avenue, south of Willow Street, Laredo, Webb County and City of Laredo Water System, 2519 Jefferson Street, Laredo, Webb County

TYPE OF OPERATION: Public water system and waste water treatment plant

SMALL BUSINESS: ___ Yes X 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 July 10, 2006. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768
TCEQ Enforcement Coordinator: Ms. Anita Keese, Enforcement Division, Enforcement Section I, MC R-15, (956) 430-6034; Mr. David Van Soest, Enforcement Division, Enforcement Section I, MC 329, (512) 239-0468
TCEQ Field Investigator: Ms. Elsa Hull, Laredo Regional Office, MC R-16, (956) 791-6611
Respondent: The Honorable Elizabeth G. Flores, Mayor, City of Laredo, Post Office Box 579, Laredo, Texas 78042
Mr. Larry Dovalina, City Manager, City of Laredo, Post Office Box 579, Laredo, Texas 78042
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date of Complaints Relating to this Case:** None **Date of Record Reviews Relating to this Case:** October 14, 2005 and October 27, 2005 **Date of NOEs Relating to this Case:** October 31, 2005 and November 3, 2005 (NOE) **Background Facts:** These were routine scheduled record review for compliance with the water quality and drinking water programs. Ten significant program violations were observed. **WATER** 1) Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane [30 TEX. ADMIN. CODE § 290.45(a) and (b)(2) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failure to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute (gpm) per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 3) Failure to provide a total storage capacity of 222 gallons per connection for each pressure plane [30 TEX. ADMIN. CODE § 290.45(a) and (b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 4) Failure to acquire plan approval by the Executive Director for service connections that require booster pumps taking suction from the public water system lines [30 TEX. ADMIN. CODE § 290.44(d)(2)].	**Total Assessed:** $45,300 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $45,300 **Total Paid to General Revenue:** $0 **Site Compliance History Classification:** __High _X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The Respondent had three repeated enforcement actions (NOVs and one order) over the prior five year period.	**Corrective Actions Taken** 1) The Executive Director recognizes that the City has implemented the following corrective measures at the PWS Facility: a) Issued a boil water notification to the customers using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) on August 18, 2005; and b) Repaired the electronic water level indicator on the Sierra Vista ground storage tank and the Mines Road pump No. 2 to good working condition on October 7, 2005. **Ordering Provisions** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 3) The Order will require the Respondent to: a) Immediately upon the effective date of this Agreed Order, begin operating the PWS Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as fire fighting; b) Within 15 days after the effective date of this Agreed Order, submit written certification and included detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.a.; c) Within 60 days after the effective date of this Agreed Order: i. Begin to ensure the good working condition and general appearance of the system's facilities and equipment, this shall include, but not be limited to repairing and ensuring that raw water pump No. 3, lower plant filter No. 2, and service pump No. 4 are in good working condition;

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5) Failure to maintain a minimum pressure of 35 pounds per square inch (psi) throughout the distribution system under normal operating conditions or 20 psi during emergencies [30 TEX. ADMIN. CODE § 290.46(r)]. 6) Failure to issue a boil water notification to the customers within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)]. 7) Failure to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)]. 8) Failure to provide a flow measuring device to measure the treated water discharged from the plant [30 TEX. ADMIN. CODE § 290.42(d)(5) and 290.45(a)]. 9) Failure to design overflows in strict accordance with current American Water Works Association ("AWWA") standards so that the discharge opening of the overflow is above the surface of the ground and not be subject to submergence [30 TEX. ADMIN. CODE § 290.43(c)(3)]. 10) Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements, and TEX. WATER CODE § 26.121(a)].		ii. Provide a flow measuring device to measure the treated water discharged from the plant at the high service pump station consisting of three pumps rated at 10,500 gpm each; and iii. Equip the Lyons and Milmo ground storage tanks with overflows that comply with current AWWA standards, this shall include, but not be limited to ensuring that the discharge opening of the overflow is above the surface of the ground and not subject to submergence. d) Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.c. e) Within 90 days after the effective date of this Agreed Order: i. Ensure that the booster pumps located adjacent to the Mines Road elevated tank are taking suction only from a storage tank; and ii. Submit plans and specifications prepared by a registered professional engineer to address system improvements. This submittal shall include, but not be limited to, a description of the existing facilities as well as a schedule of implementation and completion of modifications, not to exceed 365 days after the effective date of this Agreed Order, which are necessary to bring the system into compliance with the following requirements: A. An elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane; B. A service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less; and

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
		C. A total storage capacity of 222 gallons per connection for each pressure plane. f) Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.e.; g) Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate that all system improvements required pursuant to Ordering Provision No. 3.e.ii. are completed; h) Certifications of compliance required by Ordering Provision Nos. 3.b., 3.d., 3.f., and 3.g. shall be submitted. The certifications shall be notarized by a State of Texas Notary Public. 4) The City shall, within 180 days after the effective date of this Agreed Order for the WQ Facility, submit written certification of compliance with the effluent limits of TPDES Permit No. 10681-002. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, and be notarized by a State of Texas Notary Public.

Attachment A
Docket Number: 2005-1996-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Laredo**
Amount of Payable Penalty:	**Forty-Five Thousand Three Hundred Dollars ($45,300)**
Amount of Offset for the SEP:	**Forty-Five Thousand Three Hundred Dollars ($45,300)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Wastewater Treatment Assistance**
Location of SEP:	**Webb County**

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Amount of Offset for the SEP is based upon the Respondent's agreement to spend at least the amount of offset to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, TX 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES **Assigned** 07-Nov-2005
PCW 30-Dec-2005 **Screening** 30-Nov-2004 **EPA Due** 05-Mar-2006

RESPONDENT/FACILITY INFORMATION

Respondent	City of Laredo
Reg. Ent. Ref. No.	RN103026043
Facility/Site Region	16-Laredo
Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	27420	**No. of Violations**	1
Docket No.	2005-1996-MLM-E	**Order Type**	Findings
Media Program(s)	Water Quality	**Enf. Coordinator**	Anita Keese
Multi-Media		**EC's Team**	Enforcement Team 7
Admin. Penalty $ Limit Minimum	$0	**Maximum**	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **110%** Enhancement *Subtotals 2, 3, & 7* $8,250

Notes: The respondent has received 16 previous notices of violation (NOVs) for same or similar violations, five previous NOVs for dissimilar violations, and one previous agreed final enforcement order containing a denial of liability.

Culpability No **0%** Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0%** Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The respondent is not yet in compliance.

Economic Benefit **0%** Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$98
Approx. Cost of Compliance	$700

SUM OF SUBTOTALS 1-7 **Final Subtotal** $15,750

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $15,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $15,750

DEFERRAL 0% Reduction **Adjustment** $0

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral is recommended because this is a Findings order.

PAYABLE PENALTY $15,750

Screening Date 30-Nov-2004 **Docket No.** 2005-1996-MLM-E **PCW**
Respondent City of Laredo *Policy Revision 2 (September 2002)*
Case ID No. 27420 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103026043
Media [Statute] Water Quality
Enf. Coordinator Anita Keese

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 *(number of NOVs meeting criteria)*	16	80%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
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) **110%**

>> **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

The respondent has received 16 previous notices of violation (NOVs) for same or similar violations, five previous NOVs for dissimilar violations, and one previous agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **110%**

Screening Date 30-Nov-2004 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN103026043

Media [Statute] Water Quality

Enf. Coordinator Anita Keese

Violation Number 1

Primary Rule Cite(s)	Texas Water Code § 26.121(a) and TPDES Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements
Secondary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1)
Violation Description	Failure to comply with the permitted effluent limitations as shown in the attached effluent limit violation table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was utilized to evaluate the values for BOD5 and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. The amounts discharged at the time of the violation were insignificant and did not exceed levels harmful of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 3

mark only one use a small x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended based on effluent violations that occurred from December 2004 through August 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $98

Statutory Limit Test

Violation Final Penalty Total $15,750

This violation Final Assessed Penalty (adjusted for limits) $15,750

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN103026043
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$700	31-Dec-2004	31-Dec-2006	2.0	$5	$93	$98
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: This is an estimated cost for additional oversight and sampling which might have reduced or alleviated the exceedances.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $700

TOTAL $98

Effluent Limit Violation Table

table rev. 12/11/2000

Respondent	City of Laredo
ID Number(s)	RN103026043
Docket Number	2005-1996-MLM-E
Enf. Coordinator	Jaime Garza

Corresponds to Violation Number: 1

EFFLUENT PARAMETER

Permit Limit

	BOD5 daily average	BOD5 daily maximum	TSS daily average	TSS daily maximum									
Month/Year	20 mg/L	45 mg/L	20 mg/L	45 mg/L									
December 2004	22.4												
March 2005	22.7	47		77.5									
April 2005	23.3												
May 2005	22.5		21.5	59									
July 2005	22.2												
August 2005			23.5										

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600131908	City of Laredo	Classification: AVERAGE	Rating: 1.27
Regulated Entity:	RN103026043	UNITED WATER LAREDO ZACATE CREEK WWTP	Classification: AVERAGE	Site Rating: 0.99

ID Number(s):			
	WASTEWATER	PERMIT	WQ0010681002
	WASTEWATER	PERMIT	TPDES0025461
	USED OIL	REGISTRATION	C86469
	WASTE WATER GENERAL PERMIT	PERMIT	10681002
	STORMWATER	EPA ID	TXR05N289
	STORMWATER	PERMIT	TXR05N289
	STORMWATER	EPA ID	TXR05H985
	STORMWATER	PERMIT	TXR05I638
	WASTEWATER LICENSING	LICENSE	WQ0010681002

Location: ON THE BANKS OF THE RIO GRANDE RIVER, BETWEEN MARCELLA AVENUE AND SPRINGFIELD AVENUE, SOUTH OF WILLOW STREET, LAREDO, WEBB COUNTY

Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: December 20, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 20, 2000 to December 20, 2005

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

Name: Jaime Garza Phone: (956) 430-6030

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 Effective Date: 03/03/2005 ADMINORDER 2003-1285-MWD-E

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits & Monitoring Req PERMIT

Description: Failure to meet permitted effluent limits (TPDES Permit No. 10681-002) in the first months of 2003, including noncompliance with the daily average concentration limit for Five-Day Biochemical Oxygen

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 03/17/2003 (172195)
2 03/28/2002 (172194)
3 03/23/2001 (172193)
4 02/12/2003 (172192)
5 02/25/2002 (172191)
6 02/23/2001 (172190)
7 08/20/2003 (301245)
8 09/23/2003 (301247)
9 11/14/2003 (254405)
10 10/15/2003 (252195)
11 10/31/2003 (301249)
12 11/24/2003 (301250)

13	12/29/2003	(301251)
14	01/23/2004	(301252)
15	04/23/2004	(269629)
16	04/11/2005	(372789)
17	04/15/2003	(29106)
18	05/28/2003	(61152)
19	06/29/2004	(272722)
20	01/24/2003	(172233)
21	01/28/2002	(172232)
22	01/25/2001	(172231)
23	12/27/2002	(172229)
24	12/20/2001	(172228)
25	07/05/2001	(284445)
26	05/31/2001	(134354)
27	11/18/2002	(172225)
28	11/26/2001	(172224)
29	10/23/2002	(172221)
30	11/01/2001	(172220)
31	09/27/2002	(172218)
32	03/31/2003	(29107)
33	09/24/2001	(172217)
34	04/14/2005	(421015)
35	08/26/2002	(172215)
36	06/03/2005	(421016)
37	02/15/2005	(383168)
38	03/21/2005	(383169)
39	08/29/2001	(172214)
40	06/20/2005	(421017)
41	12/20/2004	(383170)
42	01/18/2005	(383171)
43	07/27/2004	(284696)
44	07/17/2003	(172212)
45	07/22/2002	(172211)
46	07/24/2001	(172210)
47	07/19/2004	(354461)
48	08/30/2004	(354462)
49	09/21/2004	(354463)
50	06/20/2003	(172208)
51	10/29/2004	(354464)
52	11/23/2004	(354465)
53	06/24/2002	(172207)
54	06/25/2001	(172206)
55	09/01/2004	(291801)
56	11/04/2005	(435803)
57	05/20/2003	(172204)
58	03/29/2004	(301234)
59	05/23/2002	(172203)
60	05/29/2001	(172202)
61	02/23/2004	(301237)
62	04/21/2004	(301238)
63	07/21/2005	(441975)
64	06/14/2004	(301240)
65	04/15/2003	(172200)

66 08/22/2005 (441976)

67 09/23/2005 (441977)

68 04/22/2002 (172199)

69 05/24/2005 (393518)

70 04/25/2001 (172198)

71 07/21/2004 (301243)

72 03/08/2005 (373333)

73 10/27/2005 (435803)

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

Date: 02/28/2003 (172195)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (172192)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2001 (172190)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (301243)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (301250)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (301251)

Classification: Moderate

Self Report? YES

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/12/2005 (372789)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Rqmt Prov: PERMIT IA

Description: Failure to notify the TCEQ Regional Office within 24 hours of becoming aware of a sanitary sewer overflow.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT IA

Description: Failure to prevent additional unauthorized discharges from the sewer collection system.

Date: 04/14/2003 (29106)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.3[G]

Description: Failure to install a telemetered audiovisual alarm on a lift station.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Description: Failure to prevent unauthorized discharges from wastewater collection system.

Date: 05/28/2003 (61152)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.3[G]

Description: Failure to install a telemetered audiovisual alarm on a lift station.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Description: Failure to prevent unauthorized discharges from wastewater collection system.

Date: 03/31/2005 (421015)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (421016)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (421017)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (383171)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/23/2004 (269629)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT IA

Description: Failure to prevent unauthorized dishcarges from the wastewater collection system.

Date: 05/31/2004 (354461)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (172204)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/29/2004 (272722)

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
Rqmt Prov: PERMIT IA
Description: Failure to prevent unauthorized discharges from the wastewater collection system.

Classification: Moderate

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to prevent exceedences for a Region-documented self-reported effluent violation for TSS noted during an on-site investigation.

Date: 03/31/2003 (172200)

Classification: Moderate

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (301240)

Classification: Moderate

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (435803)

Classification: Moderate

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (435803)

Classification: Moderate

Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	07-Nov-2005				
PCW	20-Dec-2005	Screening	30-Nov-2005	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Laredo		
Reg. Ent. Ref. No.	RN100524099		
Facility/Site Region	16-Laredo	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	27420	No. of Violations	9
Docket No.	2005-1996-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $15,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 47% Enhancement *Subtotals 2, 3, & 7* $7,050

Notes: The respondent has received nine prior notices of violation (NOVs) for same or similar violations and one prior NOV for dissimilar violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction *Subtotal 5* $0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: The respondent is not yet in compliance.

Economic Benefit 50% Enhancement* *Subtotal 6* $7,500

**Capped at the Total EB $ Amount*

Total EB Amounts	$296,464
Approx. Cost of Compliance	$2,515,600

SUM OF SUBTOTALS 1-7 Final Subtotal $29,550

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount $29,550

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $29,550

DEFERRAL 0% Reduction Adjustment $0

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral is recommended because this is a Findings order.

PAYABLE PENALTY $29,550

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**
Respondent City of Laredo *Policy Revision 2 (September 2002)*
Case ID No. 27420 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN100524099
Media [Statute] Public Water Supply
Enf. Coordinator Anita Keese

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 *(number of NOVs meeting criteria)*	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
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) **47%**

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

No

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

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

Average Peformer

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

>> **Compliance History Summary**

Compliance History Notes The respondent has received nine prior notices of violation (NOVs) for same or similar violations and one prior NOV for dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **47%**

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c) and 30 Tex. Admin. Code § 290.45(a)

Violation Description Failure to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane. Specifically, there is no elevated or pressure storage capacity provided for the Larga Vista pressure plane, which has 1,235 connections and requires 0.0274 million gallons ("MG") of pressure storage capacity or 0.1271 MG of elevated storage capacity; no elevated storage capacity provided for the East Corridor pressure plane, which has 4,252 connections and requires 0.472 MG elevated storage capacity; and the Sierra Vista pressure plane requires 0.394 MG of elevated storage capacity for 3,553 connections, and only 0.01 MG of pressure storage capacity is provided.

Base Penalty $1,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to provide adequate elevated storage capacity or pressure tank capacity could compromise the system's ability to provide an adequate supply of water. The system is greater than 50% deficient of the required elevated storage capacity or pressure tank capacity for all three pressure planes.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 6

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $3,000

Six monthly events are recommended, based on two monthly events for each pressure plane, from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $179,507 **Violation Final Penalty Total** $5,910

This violation Final Assessed Penalty (adjusted for limits) $5,910

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
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	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,500,000	14-Oct-2005	30-Jun-2007	1.7	$8,548	$170,959	$179,507
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 This is an estimated cost to provide the required elevated storage capacity. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $1,500,000

TOTAL $179,507

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(F)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, the Larga Vista pressure plane is provided with 600 gpm per connection of service pump capacity and 1,530.8 gpm per connection is required, a 61% deficiency. Additionally, the East Corridor pressure plane is provided with 2,080 gpm per connection of service pump capacity and 5,270.4 gpm per connection is required, a 61% deficiency.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to provide adequate service pump capacity could compromise the system's ability to provide an adequate supply of water. The system is greater than 50% deficient of the required service pump capacity for two pressure planes.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 4

mark only one / *use a small x*

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Four monthly events are recommended, based on two monthly events for each pressure plane, from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $4,787 **Violation Final Penalty Total** $3,940

This violation Final Assessed Penalty (adjusted for limits) $3,940

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
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
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$40,000	14-Oct-2005	30-Jun-2007	1.7	$228	$4,559	$4,787
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: This is an estimated cost to provide the required service pump capacity. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $40,000

TOTAL: $4,787

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(E)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c) and 30 Tex. Admin. Code § 290.45(a)

Violation Description Failure to provide a total storage capacity of 222 gallons per connection for each pressure plane. Specifically, the Larga Vista pressure plane is provided with 0.033 MG of total storage capacity and 0.1371 MG of total storage capacity is required, a 76% deficiency. Additionally, the East Corridor pressure plane is provided with 0.25 MG of total storage capacity and 0.944 MG of total storage capacity is required, a 74% deficiency.

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to provide adequate total storage capacity could compromise the system's ability to provide an adequate supply of water. The system is greater than 50% deficient of the required total storage capacity for two pressure planes.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 4

mark only one, use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Four monthly events are recommended, based on two monthly events for each pressure plane, from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount $107,704 **Violation Final Penalty Total** $3,940

This violation Final Assessed Penalty (adjusted for limits) $3,940

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
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
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$900,000	14-Oct-2005	30-Jun-2007	1.7	$5,129	$102,575	$107,704
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	This is an estimated cost to provide the required total storage capacity. The Date Required is the Investigation date and the Final Date is the projected date of compliance.						
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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $900,000

TOTAL $107,704

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(2)

Secondary Rule Cite(s)

Violation Description Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water system lines. Specifically, the respondent does not have executive director approval for the in-line booster pumps located adjacent to the Mines Road elevated tank that are taking suction from distribution lines instead of a line dedicated to the tank.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $24

Statutory Limit Test

Violation Final Penalty Total $493

This violation Final Assessed Penalty (adjusted for limits) $493

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] 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	Onetime Costs	EB Amount
	No commas or $						
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)	$500	14-Oct-2005	30-Sep-2006	1.0	$24	n/a	$24

Notes for DELAYED costs This is an estimated cost to acquire plan approval for modification of the existing booster pump station adjacent to the Mines Road elevated tank. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $500

TOTAL $24

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(r)

Secondary Rule Cite(s)

Violation Description Failure to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions or 20 psi during emergencies. Specifically, the water pressure level was recorded as 0 psi on July 11, 12, 13, and 14, 2005, and 7 psi on July 15, 2005 at the Larga Vista area and 6 psi on July 11, 2005, and 12 psi on July 12 and 13, 2005 at the Sierra Vista area.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Pressure deficiencies greater than or equal to 51% of the minimum pressure requirement could expose human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 8

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $4,000

Eight single events are recommended based on documentation of the violation during the dates when low water pressure levels were recorded.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $7,880

This violation Final Assessed Penalty (adjusted for limits) $7,880

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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: The economic benefit for this violation is addressed in violation no. 1 of this PCW.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(q)(1)

Secondary Rule Cite(s)

Violation Description Failure to issue a boil water notification to the customers within 24 hours using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e).

Base Penalty $1,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to issue a boil water notice may not allow the public to take appropriate measures in response to low water pressures which would potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $985

This violation Final Assessed Penalty (adjusted for limits) $985

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] 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	Onetime Costs	EB Amount
No commas or $							
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)	$100	12-Jul-2005	18-Aug-2005	0.1	$1	n/a	$1

Notes for DELAYED costs This is an estimated cost to issue a boil water notification within 24 hours as required by the rule. The Date Required is the date the notification was due and the Final Date is the date the respondent provided the required notification.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $100 **TOTAL** $1

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Secondary Rule Cite(s)

Violation Description Failure to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, during the investigation, it was documented that raw water pump no. 3 was in disrepair and offline. Mines Road pump no. 2 and lower plant filter no. 2 have both been offline for longer than one year and the electronic water level indicator on the Sierra Vista ground storage tank had been offline for an undetermined amount of time. Additionally, service pump no. 4 was out of service for 6 days.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to maintain pumps and filters in good working condition could compromise the system's ability to provide an adequate supply of water.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 4

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

Four quarterly events are recommended, based on one quarterly event for each location, from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $220

Statutory Limit Test

Violation Final Penalty Total $1,970

This violation Final Assessed Penalty (adjusted for limits) $1,970

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$5,000	14-Oct-2005	31-Aug-2006	0.9	$220	n/a	$220

Notes for DELAYED costs This is an estimated cost to repair the pumps that are out of service. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $5,000

TOTAL $220

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(5)

Secondary Rule Cite(s) 30 Tex. Admin. Code § 290.45(a)

Violation Description Failure to provide a flow measuring device to measure the treated water discharged from the plant. Specifically, a high service pump station consisting of three pumps rated at 10,500 gpm each is not provided with a flow measuring device.

Base Penalty $1,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to provide a flow measuring device to measure the treated water discharged from the plant prevents the system from obtaining accurate usage data which could compromise the system's ability to provide an adequate supply of water.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

One quarterly event is recommended from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $4,002

Statutory Limit Test

Violation Final Penalty Total $493

This violation Final Assessed Penalty (adjusted for limits) $493

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$65,000	14-Oct-2005	31-Aug-2006	0.9	$191	$3,811	$4,002
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 This is an estimated cost to provide a flow measuring device to measure the treated water discharged from the plant. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $65,000

TOTAL $4,002

Screening Date 30-Nov-2005 **Docket No.** 2005-1996-MLM-E **PCW**

Respondent City of Laredo *Policy Revision 2 (September 2002)*

Case ID No. 27420 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN100524099

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 9

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(3)

Secondary Rule Cite(s)

Violation Description Failure to design overflows in strict accordance with current American Water Works Association ("AWWA") standards so that the discharge opening of the overflow is above the surface of the ground and is not subject to submergence. Specifically, the overflows for the Lyons and Milmo ground storage tanks are located inside the tanks, run below ground, discharge into a storm drain, and are subject to submergence.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to properly design overflows could expose public drinking water to a significant amount of pollutants which would exceed levels that are protective of human health.

Adjustment -$500

Base Penalty Subtotal $500

Violation Events

Number of Violation Events 4

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Four monthly events are recommended, based on two monthly events for each overflow, from the October 14, 2005 investigation to the November 30, 2005 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $220

Statutory Limit Test

Violation Final Penalty Total $3,940

This violation Final Assessed Penalty (adjusted for limits) $3,940

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 27420
Reg. Ent. Reference No. RN100524099
Media [Statute] Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$5,000	14-Oct-2005	31-Aug-2006	0.9	$220	n/a	$220

Notes for DELAYED costs This is an estimated cost to provide overflows that meet current AWWA standards. The Date Required is the investigation date and the Final Date is the projected date of compliance.

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]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $5,000

TOTAL $220

Compliance History

Customer/Respondent/Owner-Operator: CN600131908 City of Laredo Classification: AVERAGE Rating: 1.270

Regulated Entity: RN100524099 City of Laredo Water System Classification: Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2400001
WASTEWATER	PERMIT	WQ0010681002
WASTEWATER	PERMIT	TPDES0025461
USED OIL	REGISTRATION	C86469
WASTEWATER GENERAL PERMIT	PERMIT	10681002
STORMWATER	EPA ID	TXR05N289
STORMWATER	PERMIT	TXRO5N289
STORMWATER	EPA ID	TXR05H985
STORMWATER	PERMIT	TXR05I638
WASTEWATER LICENSING	LICENSE	WQ0010681002

Location: 2519 JEFFERSON ST, LAREDO, TX, 78040 Rating Date: 9/1/05 Repeat Violator: NO

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: December 14, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 14, 2000 to December 14, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Jaime Garza Phone: (956) 430-6030

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	08/16/2002	(7442)
2	08/21/2003	(133842)
3	12/29/2003	(257338)
4	01/31/2004	(261231)
5	08/30/2004	(274552)
6	07/27/2005	(401500)

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

Date: 08/22/2001
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain facilities.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(e)
Description: Failure to provide proper overflows.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure to provide a pressure release device for a pressure tank.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)
Description: Failure to provide the required system capacity

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(2)(C)
Description: Failure to provide a restricted zone of 200 feet radius from the raw water intake works.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)(I)
Description: Failure to provide a secondary containment facility for at least the alum bulk storage.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to maintain a storage tank tight against leakage.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F) and (G)
Description: Failure to provide the minimum system capacity requirements.

Date: 08/16/2002 (7442)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)
Description: Failure to provide secondary containment for the alum, polymer, and ferric bulk tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)
Description: Failure to operate the surface water treatment plant based on the filter capacity with the largest filter off-line below the system's maximum daily demand.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
Description: Failure to provide and elevated storage capacity of 100 gallons per connection for systems serving greater than 2500 connections.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
Description: Failure to provide a service pump capacity of 2.0 gpm/connection for the Lyon/Hendricks and Milmo pressure planes.

Date: 08/21/2003 (133842)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide a certified customer service inspector to conduct customer service inspections.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(a)
Description: Failure to operate the surface water treatment plant based on the filter capacity with the largest filter off-line below the system's maximum daily demand.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A)
Description: Failure to maintain a minimum of 0.5 mg/l total chlorine residual in the distribution.

Date: 12/18/2003 (257338)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)(I)
Description: Failure to provide a secondary containment facility for all liquid chemical storage tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
Description: Failure to provide an elevated storage capacity of 100 gallons per connection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
Description: Failure to provide a service pump capacity of 2.0 gpm/connection for each pressure plane.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide a certified customer service inspector to conduct customer service inspections.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)
Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water lines.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to provide a water level indicator for the elevated tank at Del Mar.

Date: 08/31/2004 (274552)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)(I)
Description: Failure to provide a secondary containment facility for all liquid chemical storage tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
Description: Failure to provide an elevated storage capacity of 100 gallons per connection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
Description: Failure to provide a service pump capacity of 2.0 gpm/connection for each pressure plane.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)
Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water lines.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to design overflows in strict accordance with current AWWA standards.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder resistant fence in order to protect all storage tanks.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to provide a flow measuring device to measure the treated water discharged from the plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide a certified customer service inspector to conduct customer service inspections.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: Failure to maintain a minimum of 0.5 mg/l total chlorine residual in the distribution.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to conduct annual inspections fo the water storage tanks.

Date: 08/31/2004 (398125)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating

conditions or 20 psi during emergencies.

Date: 07/12/2005 (399831)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.

Date: 07/13/2005 (399893)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.

Date: 07/27/2005 (401500)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
Description: Failure to provide an elevated storage capacity of 100 gallons per connection.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
Description: Failure to provide a service pump capacity of 2.0 gpm/connection for each pressure plane.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)
Description: Failure to acquire plan approval by the executive director for service connections that require booster pumps taking suction from the public water lines.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to design overflows in strict accordance with current AWWA standards.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to provide a flow measuring device to measure the treated water discharged from the plant.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
Description: Failure to submit routine reports and any additional documentation that the executive director may require.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(E)
Description: Failure to provide a total storage capacity of 222 gallons per connection for each pressure plane.

Date: 09/14/005 (431454)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies.

F. Environmental audits.

N/A

Description:

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF LAREDO	§	
RN100524099 and RN103026043	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1996-MLM-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 City of Laredo ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and 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 public water supply that has approximately 64,573 service connections and serves at least 25 people per day for at least 60 days per year (the "PWS Facility") and a wastewater treatment plant (the "WQ Facility"). The PWS Facility is located at 2519 Jefferson Street, Laredo, Webb County. The WQ Facility is located on the banks of the Rio Grande River, between Marcella Avenue and Springfield Avenue, south of Willow Street, Laredo, Webb County.

2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During a record review of the PWS Facility on October 14, 2005, TCEQ staff documented a failure to:

   a. Provide the required elevated storage capacity or pressure storage capacity for three pressure planes as follows:

      i. The Larga Vista pressure plane, which has approximately 1,235 connections and requires 0.0274 million gallons ("MG") of pressure storage capacity or 0.1271 MG of elevated storage capacity, is not provided with any elevated storage capacity;

      ii. The East Corridor pressure plane, which has approximately 4,252 connections and requires 0.472 MG elevated storage capacity, is not provided with any elevated storage capacity; and

      iii. The Sierra Vista pressure plane, which has approximately 3,553 connections and requires 0.394 MG of elevated storage capacity, is provided with only 0.01 MG of pressure storage capacity.

   b. Provide the required service pump capacity for two pressure planes as follows:

      i. The Larga Vista pressure plane, which requires 1,530.80 gallons per minute ("gpm") per connection of service pump capacity is provided with only 600 gpm per connection of service pump capacity; and

      ii. The East Corridor pressure plane, which requires 5,270.40 gpm per connection of service pump capacity, is provided with only 2,080 gpm per connection of service pump capacity.

   c. Provide the required total storage capacity for two pressure planes as follows:

      i. The Larga Vista pressure plane, which requires 0.1371 MG of total storage capacity, is provided with only 0.033 MG of total storage capacity; and

      ii. The East Corridor pressure plane, which requires 0.944 MG of total storage capacity, is provided with only 0.25 MG of total storage capacity.

   d. Obtain Executive Director approval for the in-line booster pumps located adjacent to the Mines Road elevated tank that are taking suction from distribution lines ins a line dedicated to the tank;

   e. Maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions or 20 psi during emergencies. Specifically, the water pressure level was recorded as 0 psi on July 11, 12, 13, and 14, 2005, and 7 psi on July 15, 2005 at the Larga Vista area and 6 psi on July 11, 2005, and 12 psi on July 12 and 13, 2005 at the Sierra Vista area;

f. Issue a boil water notification to the customers within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e);

g. Ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, it was documented that raw water pump no. 3 was in disrepair and offline. Mines Road pump no. 2 and lower plant filter no. 2 have both been offline for longer than one year and the electronic water level indicator on the Sierra Vista ground storage tank had been offline for an undetermined amount of time. Additionally, service pump no. 4 was out of service for 6 days;

h. Provide a flow measuring device to measure the treated water discharged from the plant for a high service pump station consisting of three pumps rated at 10,500 gpm each; and

i. Design overflows in strict accordance with current American Water Works Association ("AWWA") standards so that the discharge opening of the overflow is above the surface of the ground and is not subject to submergence. Specifically, the overflows for the Lyons and Milmo ground storage tanks are located inside the tanks, run below ground, discharge into a storm drain, and are subject to submergence.

4. During a record review of the WQ Facility on October 27, 2005, TCEQ staff documented a failure to comply with permit effluent limits. Specifically, during the record review conducted on October 27, 2005, it was documented that the City failed to comply with the following permitted effluent limits at outfall 001A:

a. Five-Day Biochemical Oxygen Demand ("BOD5") daily average permit limit of 20 milligrams per liter ("mg/L") for December 2004, March 2005, April 2005, May 2005, and July 2005 (22.40 mg/L, 22.70 mg/L, 23.30 mg/L, 22.50 mg/L, and 22.20 mg/L reported, respectively);

b. BOD5 daily maximum permit limit of 45 mg/L for March 2005 (47.00 mg/L reported);

c. Total Suspended Solids ("TSS") daily average permit limit of 20 mg/L for May 2005 and August 2005 (21.50 mg/L and 23.50 mg/L reported, respectively); and

d. TSS daily maximum permit limit of 45 mg/L for March 2005 and May 2005 (77.50 mg/L and 59.00 mg/l reported, respectively).

5. The City received notices of the violations on November 2, 2005 and November 8, 2005.

6. The Executive Director recognizes that the City has implemented the following corrective measures at the PWS Facility:

a. Issued a boil water notification to the customers using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e) on August 18, 2005; and

b. Repaired the electronic water level indicator on the Sierra Vista ground storage tank and the Mines Road pump No. 2 to good working condition on October 7, 2005.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., the City failed to provide an elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(a) and (b)(2) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

3. As evidenced by Finding of Fact No. 3.b., the City failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

4. As evidenced by Finding of Fact No. 3.c., the City failed to provide a total storage capacity of 222 gallons per connection for each pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(a) and (b)(2)(E) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

5. As evidenced by Finding of Fact No. 3.d., the City failed to acquire plan approval by the Executive Director for service connections that require booster pumps taking suction from the public water system lines, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(2).

6. As evidenced by Finding of Fact No. 3.e., the City failed to maintain a minimum pressure of 35 psi throughout the distribution system under normal operating conditions or 20 psi during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(r).

7. As evidenced by Finding of Fact No. 3.f., the City failed to issue a boil water notification to the customers within 24 hours using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1).

8. As evidenced by Finding of Fact No. 3.g., the City failed to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

9. As evidenced by Finding of Fact No. 3.h., the City failed to provide a flow measuring device to measure the treated water discharged from the plant, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(5) and 290.45(a).

10. As evidenced by Finding of Fact No. 3.i., the City failed to design overflows in strict accordance with current AWWA standards so that the discharge opening of the overflow is above the surface

of the ground and is not subject to submergence, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3).

11. As evidenced by Finding of Fact No. 4., the City failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements, and TEX. WATER CODE § 26.121(a).

12. Pursuant to TEX. WATER CODE § 7.051 and 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.

13. An administrative penalty in the amount of Forty-Five Thousand Three Hundred Dollars ($45,300) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b). Forty-Five Thousand Three Hundred Dollars ($45,300) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

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 Forty-Five Thousand Three Hundred Dollars ($45,300), as set forth in Section II, Paragraph 13 above, for violations of TCEQ rules and state statutes. The imposition 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 Laredo, Docket No. 2005-1996-MLM-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 implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 13 above, Forty-Five Thousand Three Hundred Dollars ($45,300) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the

administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements at the PWS Facility:

a. Immediately upon the effective date of this Agreed Order, begin operating the PWS Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions. The system shall also be operated to maintain a minimum pressure of 20 psi during emergencies such as fire fighting, in accordance with 30 TEX. ADMIN. CODE § 290.46(r).

b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.a.

c. Within 60 days after the effective date of this Agreed Order:

i. Begin to ensure the good working condition and general appearance of the system's facilities and equipment, this shall include, but not be limited to repairing and ensuring that raw water pump no. 3, lower plant filter no. 2, and service pump no. 4 are in good working condition, as required by 30 TEX. ADMIN. CODE § 290.46(m);

ii. Provide a flow measuring device to measure the treated water discharged from the plant at the high service pump station consisting of three pumps rated at 10,500 gpm each, as required by 30 TEX. ADMIN. CODE § 290.42(d)(5) and 290.45(a); and

iii. Equip the Lyons and Milmo ground storage tanks with overflows that comply with current AWWA standards, this shall include, but not be limited to ensuring that the discharge opening of the overflow is above the surface of the ground and not subject to submergence, as required by 30 TEX. ADMIN. CODE § 290.43(c)(3).

d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.c.

e. Within 90 days after the effective date of this Agreed Order:

i. Ensure that the booster pumps located adjacent to the Mines Road elevated tank are taking suction only from a storage tank, as required by 30 TEX. ADMIN. CODE § 290.44(d)(2); and

ii. Submit plans and specifications prepared by a registered professional engineer to address system improvements. This submittal shall include, but not be limited to, a description of the existing facilities as well as a schedule of implementation and completion of modifications, not to exceed 365 days after the effective date of this

Agreed Order, which are necessary to bring the system into compliance with the following requirements:

A. An elevated storage capacity of 111 gallons per connection or a pressure tank capacity of 22.2 gallons per connection for each pressure plane, as required by 30 TEX. ADMIN. CODE § 290.45(a) and (b)(2);

B. A service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, as required by 30 TEX. ADMIN. CODE § 290.45(b)(2)(F); and

C. A total storage capacity of 222 gallons per connection for each pressure plane, as required by 30 TEX. ADMIN. CODE § 290.45(a) and (b)(2)(E).

f. Submit plans and specifications to:

Public Water System Plan Review Team
Water Supply Division, MC 153
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, TX 78711-3087

g. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 3.e.

h. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate that all system improvements required pursuant to Ordering Provision No. 3.e.ii. are completed.

i. Certifications of compliance required by Ordering Provision Nos. 3.b., 3.d., 3.g., and 3.h. shall be submitted to the address listed below. The certifications 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."

4. The City shall, within 180 days after the effective date of this Agreed Order for the WQ Facility, submit written certification of compliance with the effluent limits of TPDES Permit No. 10681-002.

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

5. Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Order Compliance Team
Team 7, Section IV
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041

6. 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 PWS Facility and WQ Facility operations referenced in this Agreed Order.

7. If the City fails to comply with any of the Ordering Provisions in this Agreed Order for the WQ Facility within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

7/24/06
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Laredo. I am authorized to agree to the attached Agreed Order on behalf of City of Laredo, 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 Laredo 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.

Signature

5/16/06
Date

Larry Dovalina
Name (printed or typed)
Authorized Representative
City of Laredo

City Manager
Title

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

Attachment A
Docket Number: 2005-1996-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Laredo**
Amount of Payable Penalty:	**Forty-Five Thousand Three Hundred Dollars ($45,300)**
Amount of Offset for the SEP:	**Forty-Five Thousand Three Hundred Dollars ($45,300)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")-Wastewater Treatment Assistance**
Location of SEP:	**Webb County**

The Texas Commission on Environmental Quality ("TCEQ"), agrees to offset a portion of the administrative penalty assessed in this Agreed Order under the condition that the Respondent shall perform and comply with the following Supplemental Environmental Project ("SEP") provisions. The amount of the offset for the SEP is conditioned upon completion of the project in accordance with the terms set forth below.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Amount of Offset for the SEP is based upon the Respondent's agreement to spend at least the amount of offset to complete the project described above and to comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall make the required contribution to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, TX 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP contribution, The Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the contribution to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of all required funds and the submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the Amount of Offset for the SEP.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.