EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1986-PWS-E **TCEQ ID:** RN101276863 **CASE NO.:** 31699

RESPONDENT NAME: City of La Joya

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of La Joya, approximately one-tenth of a mile west of Farm-to-Market Road 2221 on Highway 83, La Joya, Hidalgo County

TYPE OF OPERATION: Public water supply

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 April 30, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Anita Keese, Enforcement Division, Enforcement Team 2, MC R-15, (956) 430-6034; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: The Honorable Billy Leo, Mayor, City of La Joya, P.O. Box H, La Joya, Texas 78560

Mr. Mike Alaniz, City Administrator, City of La Joya, P.O. Box H, La Joya, Texas 78560

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 _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** September 26, 2006 **Date of NOE Relating to this Case:** November 3, 2006 (NOE) **Background Facts:** This was a routine investigation. Three violations were documented. **WATER** 1) Failed to provide treatment facility capacity that is not less than the anticipated maximum daily demand of the system [30 TEX. ADMIN. CODE § 290.45(a)(6) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow [30 TEX. ADMIN. CODE § 290.45(b)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 3) Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $924 **Total Deferred:** $185 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $739 **Site Compliance History Classification** __ **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** __ **Average** _X_ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 90 days after the effective date of this Agreed Order: i. Provide treatment facility capacity sufficient to meet the anticipated maximum daily demand of the system; ii. Provide a total capacity of 0.6 gpm per connection under normal flow rated design; and iii. Provide a raw water pump capacity of 0.6 gallon per minute per connection with the largest pump out of service. b. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through a.iii.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision November 15, 2006*

TCEQ

DATES					
Assigned	6-Nov-2006				
PCW	21-Dec-2006	Screening	13-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	City of La Joya		
Reg. Ent. Ref. No.	RN101276863		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31699	No. of Violations	3
Docket No.	2006-1986-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 54% Enhancement — *Subtotals 2, 3, & 7* **$324**

Notes: The penalty is being enhanced because the respondent received four Notices of Violation (NOV)s with the same or similar violations, two NOVs with dissimilar violations, one Agreed Order with a de[illegible]ial of liability and a poor performer rating.

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

Notes: 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 x)

Notes: Respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* **$0**

Total EB Amounts	$7,439
Approx. Cost of Compliance	$60,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$924**

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 **$924**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$924**

DEFERRAL — 20% Reduction — *Adjustment* **-$185**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$739**

Screening Date	13-Nov-2006	Docket No. 2006-1986-PWS-E	PCW
Respondent	City of La Joya		Policy Revision 2 (September 2002)
Case ID No.	31699		PCW Revision November 15, 2006
Reg. Ent. Reference No.	RN101276863		
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*)	4	20%
	Other written NOVs	2	4%
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 submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 44%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The penalty is being enhanced because the respondent received four Notices of Violation (NOV)s with the same or similar violations, two NOVs with dissimilar violations, one Agreed Order with a denial of liability and a poor performer rating.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 54%

Screening Date	13-Nov-2006	Docket No. 2006-1986-PWS-E	PCW
Respondent	City of La Joya		Policy Revision 2 (September 2002)
Case ID No.	31699		PCW Revision November 15, 2006
Reg. Ent. Reference No.	RN101276863		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(a)(6) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide treatment facility capacity that is not less than the anticipated maximum daily demand of the system. Specifically, based on water system operating records from September 2004 through August 2005, the water treatment plant produced 0.814 million gallons per day ("MGD") and from September 2005 through August 2006, the water treatment plant produced 0.941 million gallons per day ("MGD") which is approximately 3% and 15% higher, respectively, than the rated treatment capacity of the plant, 0.801 MGD.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Exceeding the rated capacity could result in inadequately treated water which could expose customers of the water system to significant amounts of pollutants which would not exceed levels that are protective of human health as a result of the violation.

Adjustment $900

$100

Violation Events

Number of Violation Events: 5 — 415 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $500

Five quarterly events are recommended based on the investigation date of September 22, 2005 to the date of case screeening on November 11, 2006.

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

Estimated EB Amount $6,789

Violation Final Penalty Total $770

This violation Final Assessed Penalty (adjusted for limits) $770

Economic Benefit Worksheet

Respondent: City of La Joya
Case ID No.: 31699
Reg. Ent. Reference No.: RN101276863
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$50,000	22-Sep-2005	31-Aug-2007	1.9	$323	$6,466	$6,789
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	Estimated cost to provide sufficient capacity to meet the requirements of the water system. The Date Required is the date of the investigation and the Final Date is the estimated 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
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $50,000

TOTAL: $6,789

Screening Date	13-Nov-2006	Docket No. 2006-1986-PWS-E	PCW
Respondent	City of La Joya		Policy Revision 2 (September 2002)
Case ID No.	31699		PCW Revision November 15, 2006
Reg. Ent. Reference No.	RN101276863		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(B) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow. Specifically, based on the September 26, 2006 investigation, the system provides a total capacity of 0.801 MGD, which is approximately 2% less than the 0.817 MGD required for 945 connections.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient capacity, the customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 | 46 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

A single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $77

This violation Final Assessed Penalty (adjusted for limits) $77

Economic Benefit Worksheet

Respondent: City of La Joya
Case ID No: 31699
Reg. Ent. Reference No: RN101276863
Media: Public Water Supply
Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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)				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 is included with violation No. 1.						
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
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $0

TOTAL: $0

Screening Date	13-Nov-2006	Docket No. 2006-1986-PWS-E	PCW
Respondent	City of La Joya		Policy Revision 2 (September 2002)
Case ID No.	31699		PCW Revision November 15, 2006
Reg. Ent. Reference No.	RN101276863		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Anita Keese		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, based on the September 26, 2006 investigation, the system provides a raw water pump capacity of 0.792 MGD with the largest pump out of service, which is approximately 3% less than the 0.81 MGD required for 945 connections.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient raw water pump capacity, the customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment $950

$50

Violation Events

Number of Violation Events 1

46 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

A single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $650

Statutory Limit Test

Violation Final Penalty Total $77

This violation Final Assessed Penalty (adjusted for limits) $77

Economic Benefit Worksheet

Respondent City of La Joya
Case ID No. 31699
Reg. Ent. Reference No. RN101276863
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$10,000	26-Sep-2006	31-Aug-2007	0.9	$31	$619	$650
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 estimated cost to provide additional raw water pump capacity. The Date Required is the date of the investigation and the Final Date is the estimated 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
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $10,000

TOTAL $650

Compliance History

Customer/Respondent/Owner-Operator:	CN600704639	City of La Joya	Classification: POOR	Rating: 161.50
Regulated Entity:	RN101276863	CITY OF LA JOYA	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1080213
	WATER LICENSING	LICENSE	1080213
Location:	Highway 83 & Approximately 0.1 Mi. West of Farm-to-Market 2221, La Joya, Tx.		
TCEQ Region:	REGION 15 - HARLINGEN		
Date Compliance History Prepared:	November 07, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 07, 2001 to November 07, 2006		

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

Name: Anita Keese Phone: (956) 430-6034

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.

Effective Date: 04/10/2005 ADMINORDER 2004-0831-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute (gpm) per connection, or a total capacity of 1,000 gpm and be able to meet peak hourly demands with the largest pump out of service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(b)(1)
30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to comply with the maximum contaminant level (MCL) of 0.080 milligrams per liter (mg/l) based on a running annual average for total trihalomethanes (TTHM).

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702[G]
30 TAC Chapter 21 21.4(g)

Description: Failure to pay outstanding Consolidated Water Quality Fees.

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	03/02/2006	(457831)
2	05/18/2004	(271550)
3	11/22/2002	(14088)
4	10/21/2003	(249447)
5	01/30/2004	(261188)
6	11/03/2006	(516348)
7	04/21/2003	(33843)
8	10/28/2005	(432376)
9	05/16/2006	(438053)
10	04/20/2004	(275112)

11 11/01/2004 (335582)

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

Date: 11/22/2002 (14088)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C)

Description: Failure to test the backflow prevention assembly in the chemical feed room.

Self Report? NO Classification: Moderate

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

Description: Failure to post a legible sign at each of its production, treatment, and storage facilities as required for community systems. The sign must be located in plain view of the public and must provide the name of the regulated entity and an emergency telephone number where a responsible official can be contacted.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to provide a maintenance and housekeeping program to maintain the grounds at the elevated storage tank free of debris.

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 the elevated storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to ensure that the system's facilities and equipment are in good working condition. This maintenance program should include the High Service Pumps.

Date: 08/28/2006 (497558)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine as per agency regulations.

Date: 01/30/2004 (261188)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)

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

Description: Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute (gpm) per connection, or a total capacity of 1,000 gpm and be able to meet peak hourly demands with the largest pump out of service.

Date: 10/22/2003 (249447)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to provide a copy of the monitoring plan. All public water systems must maintain a copy of the current monitoring plan at each treatment plant and at a central location.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)

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

Description: Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute (gpm) per connection, or a total capacity of 1,000 gpm and be able to meet peak hourly demands with the largest pump out of service.

Self Report? NO Classification: Moderate

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

Description: Failure to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations.

Date: 10/28/2005 (432376)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(a)(6)

Description: Failure to provide a treatment plant capacity which meets the facility's maximum daily demand.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)

Description: Failure to provide a treatment plant capacity of 0.6 gallon per minute per connection under normal flow rated design.
Failure to provide a treatment plant capacity of 0.6 gallon per minute per

connection under normal flow rated design.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

Description: Failure to provide a raw water pump capacity of 0.6 gallon per minuter per connection with the largest pump out service.

Date: 10/29/2004 (335582)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)

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

Description: Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute (gpm) per connection, or a total capacity of 1,000 gpm and be able to meet peak hourly demands with the largest pump out of service.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF LA JOYA	§	
RN101276863	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1986-PWS-E

I. JURISDICTION AND STIPULATIONS

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 La Joya ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply approximately one-tenth of a mile west of Farm-to-Market 2221 on Highway 83, La Joya, Hidalgo County, Texas (the "Facility") that has approximately 945 service connections and serves at least 25 people per day for at least 60 days per year.

2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

3. The City received notice of the violations alleged in Section II ("Allegations") on or about November 8, 2006.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Nine Hundred Twenty-Four Dollars ($924) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Hundred Thirty-Nine Dollars ($739) of the administrative penalty and One Hundred Eighty-Five Dollars ($185) is deferred contingent upon the City's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

9. 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.

10. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to provide treatment facility capacity that is not less than the anticipated maximum daily demand of the system, in violation of 30 TEX. ADMIN. CODE § 290.45(a)(6) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 26, 2006.

2. Failed to provide a treatment plant capacity of 0.6 gpm per connection under normal rated design flow, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 26, 2006.

3. Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on September 26, 2006.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of La Joya, Docket No. 2006-1986-PWS-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:

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

      i. Provide treatment facility capacity sufficient to meet the anticipated maximum daily demand of the system, as required by 30 TEX. ADMIN. CODE § 290.45;

      ii. Provide a total capacity of 0.6 gpm per connection under normal flow rated design, as required by 30 TEX. ADMIN. CODE § 290.45; and

      iii. Provide a raw water pump capacity of 0.6 gallon per minute per connection with the largest pump out of service, as required by 30 TEX. ADMIN. CODE § 290.45.

   b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that 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."

      The certification shall be submitted to:

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

with a copy to:

Public Water Supply Section, Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.

4. 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.

5. 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.

6. 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.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

6/18/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that 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.

Mike Allen
Signature

2/15/07
Date

Mike Alaniz
Name (Printed or typed)
Authorized Representative of
City of La Joya

City Adm.
Title

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