

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0412-PWS-E **TCEQ ID:** RN101418325 **CASE NO.:** 35531

RESPONDENT NAME: City of La Feria

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of La Feria Water Plant, 115 East Commercial Avenue, La Feria, Cameron County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 1, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Lori Weaver, Mayor Pro-Tem, City of La Feria, 115 East Commercial Avenue, La Feria, Texas 78559 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

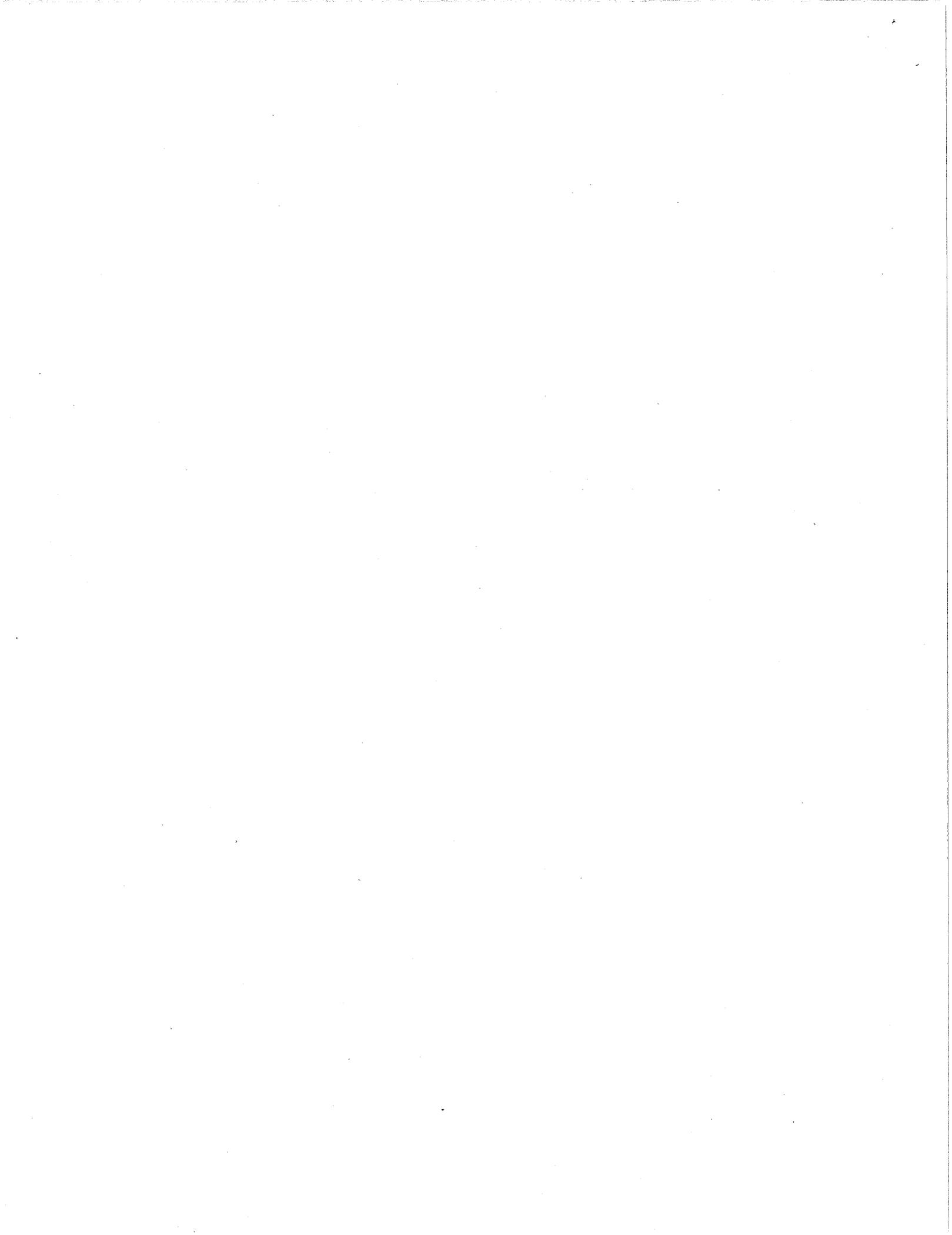
TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2008 SEP 22 AM 11:22
 CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 22, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 15, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to ensure that each water treatment plant and all appurtenances are enclosed by an intruder-resistant fence. Specifically, the liquid ammonium sulfate day tank, the potassium permanganate day tank, and the associated chemical feed equipment, which are located at the Respondent's wastewater treatment facility, are enclosed only by a livestock fence that is not intruder-resistant [30 TEX. ADMIN. CODE § 290.42(m)].</p> <p>2) Failure to calibrate flow measuring devices and rate-of-flow controllers at least once every 12 months. Specifically, on the date of the investigation, it was observed that the backwash flow meter had not been calibrated in the last twelve months [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>3) Failure to provide additional metering devices to monitor the flow rate through specific treatment processes. Specifically, the Respondent's raw water treatment process splits into two treatment trains, and flow measuring devices were not installed on either of the treatment trains [30 TEX. ADMIN. CODE § 290.42(d)(5)].</p> <p>4) Failure to ensure incompatible chemicals are not stored within the same containment structure. On the date of the investigation, the alum/polymer blend storage tank and the caustic solution were</p>	<p>Total Assessed: \$1,782</p> <p>Total Deferred: \$356 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,426</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has completed the following corrective actions:</p> <p>a. On January 22, 2008, the Respondent flushed the lines in which the low total chlorine residual was found and restored the total chlorine residual level in those lines to 2.3 mg/L.</p> <p>b. On February 4, 2008, the Respondent calibrated the backwash flow meter.</p> <p>c. On February 13, 2008, the Respondent provided documentation demonstrating that:</p> <p>i. A six foot chain link fence with three rows of barbed wire was installed around the liquid ammonium sulfate day tank, the potassium permanganate day tank, and the associated chemical feed equipment;</p> <p>ii. The alum/polymer blend storage tank was relocated so that it is no longer stored in the same containment structure as the the caustic solution; and</p> <p>iii. Overflows that include flappers on the end to prevent dust and debris from entering the Facility's two clearwells were installed.</p> <p>d. On February 29, 2008, the Respondent installed flow measuring devices on the two raw water treatment trains.</p>

<p>being stored in the same containment structure [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV)].</p> <p>5) Failure to ensure that all facilities for potable water storage are covered, designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association standards. Specifically, the two clearwells at the Facility did not have overflows installed [30 TEX. ADMIN. CODE § 290.43(c)].</p> <p>6) Failure to maintain a minimum disinfectant residual of at least 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, a field test performed at the time of the investigation revealed a total chlorine residual of 0.14 mg/L at 26773 South Palomino Street [30 TEX. ADMIN. CODE §§ 290.46(d) and 290.110(b)(4)].</p>		
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Additional ID No(s): PWS ID No. 0310003





Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned	19-Feb-2008	Screening	11-Mar-2008	EPA Due	
	PCW	28-May-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of La Feria		
Reg. Ent. Ref. No.	RN101418325		
Facility/Site Region	15-Harlingen	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35531	No. of Violations	6
Docket No.	2008-0412-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes:

Culpability Enhancement **Subtotal 4**

Notes:

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text"/>	(mark with x)

Notes:

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

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes:

PAYABLE PENALTY

Screening Date 11-Mar-2008

Docket No. 2008-0412-PWS-E

PCW

Respondent City of La Feria

Policy Revision 2 (September 2002)

Case ID No. 35531

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101418325

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

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)	1	5%
	Other written NOVs	2	4%
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 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%
<i>Please Enter Yes or No</i>			
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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

The compliance history enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action and for two prior NOVs containing dissimilar violations.

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

Screening Date 11-Mar-2008 **Docket No.** 2008-0412-PWS-E **PCW**
Respondent City of La Feria *Policy Revision 2 (September 2002)*
Case ID No. 35531 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz
Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="50%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
<input type="text" value="Without an intruder-resistant fence, the water system will be vulnerable to trespassers, and customers of the water system could be exposed to a significant amount of contaminants which would exceed levels that are protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$5,000	22-Jan-2008	13-Feb-2008	0.1	\$1	\$20	\$21
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 delayed costs includes the amount to erect an intruder-resistant fence around the water treatment facility, calculated from the date of the investigation to the 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

\$21

Screening Date 11-Mar-2008 **Docket No.** 2008-0412-PWS-E **PCW**
Respondent City of La Feria *Policy Revision 2 (September 2002)*
Case ID No. 35531 *PCW Revision February 29, 2008*

Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	22-Jan-2007	22-Jan-2008	1.9	\$5	\$50	\$55
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to calibrate the flow meter, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance

\$50

TOTAL

\$55

Screening Date 11-Mar-2008 **Docket No.** 2008-0412-PWS-E **PCW**
Respondent City of La Feria *Policy Revision 2 (September 2002)*
Case ID No. 35531 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	22-Jan-2008	29-Feb-2008	0.1	\$0	\$7	\$7
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 delayed costs includes the amount to install flow meters on both treatment trains, calculated from the date of the investigation to the 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

\$1,000

TOTAL

\$7

Screening Date 11-Mar-2008 **Docket No.** 2008-0412-PWS-E **PCW**
Respondent City of La Feria *Policy Revision 2 (September 2002)*
Case ID No. 35531 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of La FERIA
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings	\$1,000	22-Jan-2008	13-Feb-2008	0.1	\$0	\$4	\$4
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 delayed costs include the amount to provide a separate storage structure for one of the incompatible chemicals, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

\$1,000

TOTAL

\$4

Screening Date 11-Mar-2008
Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz
Violation Number 5

Docket No. 2008-0412-PWS-E

PCW

Policy Revision 2 (September 2002)
PCW Revision February 29, 2008

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)
Violation Description Failed to ensure that all facilities for potable water storage are covered, designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association standards. Specifically, the two clearwells at the facility did not have overflows installed.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to have overflows installed on the clearwells could result in excess water accumulation in the clearwell, causing customers of the water system to be exposed to significant amounts of contaminants which do not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$500

Two quarterly events are recommended (one event per clearwell), calculated from the date of the investigation, January 22, 2008, to the date of compliance, February 13, 2008.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$495

This violation Final Assessed Penalty (adjusted for limits) \$495

Economic Benefit Worksheet

Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	22-Jan-2008	13-Feb-2008	0.1	\$0	\$4	\$4
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 delayed cost includes the amount to install overflows on each of the two clearwells, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

\$1,000

TOTAL

\$4

Screening Date 11-Mar-2008 **Docket No.** 2008-0412-PWS-E **PCW**
Respondent City of La Feria *Policy Revision 2 (September 2002)*
Case ID No. 35531 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN101418325
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz
Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of La Feria
Case ID No. 35531
Reg. Ent. Reference No. RN101418325
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	22-Jan-2008	22-Jan-2008	0.0	\$0	\$100	\$100
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary for additional maintenance and oversight that could have alleviated or avoided the low disinfectant residual, calculated for the date when the violation occurred.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Compliance History

Customer/Respondent/Owner-Operator:	CN600520845 City of La Feria	Classification: AVERAGE	Rating: 11.08
Regulated Entity:	RN101418325 CITY OF LA FERIA WATER PLANT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0310003 0310003
Location:	115 E COMMERCIAL AVE, LA FERIA, CAMERON COUNTY, TX, 78559		
TCEQ Region:	REGION 15 - HARLINGEN		
Date Compliance History Prepared:	March 10, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 10, 2003 to March 10, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Phone:	<u>(210) 403-4012</u>	

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 | 11/04/2003 | (252958) |
| 2 | 11/16/2004 | (339450) |
| 3 | 02/07/2005 | (349765) |
| 4 | 03/02/2005 | (372592) |
| 5 | 11/09/2005 | (433983) |
| 6 | 10/31/2006 | (513576) |
| 7 | 02/13/2008 | (615538) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|-----------------------|
| Date: | 11/15/2004 | (339450) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | Failure to implement maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. | | |
| | | | |
| Date: | 02/04/2005 | (349765) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | | |
| Description: | Failure to implement maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. | | |

Date: 10/30/2006 (513576)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vii)

Description: Failure to provide appropriate laboratory facilities for controls as well as for checking the effectiveness of disinfection or any other treatment processes employed.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate a maintenance program to ensure the reliability and general appearance of all regulated facilities and reduce costly repairs due to a lack of proper maintenance. This program should include the south section of the intruder resistant fence of the water treatment plant.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LA FERIA
RN101418325

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CHIEF CLERK'S OFFICE

2008 SEP 22 AM 11: 22

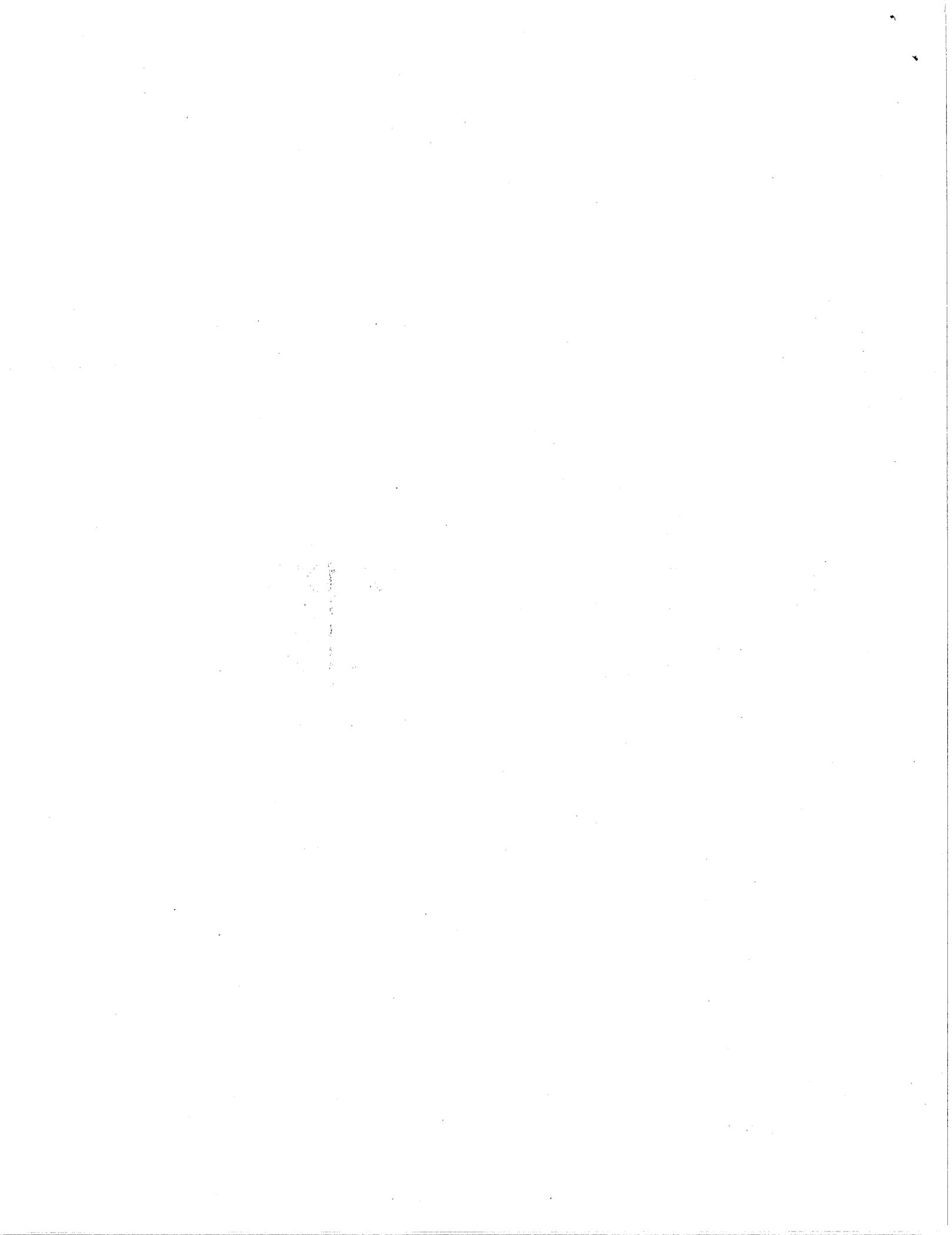
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

AGREED ORDER
DOCKET NO. 2008-0412-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 Feria ("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 at 115 East Commercial Avenue in La Feria, Cameron County, Texas (the "Facility") that has approximately 3,259 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 February 20, 2008.
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 One Thousand Seven Hundred Eighty-Two Dollars (\$1,782) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Four Hundred Twenty-Six Dollars (\$1,426) of the administrative penalty and Three Hundred Fifty-Six Dollars (\$356) 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.

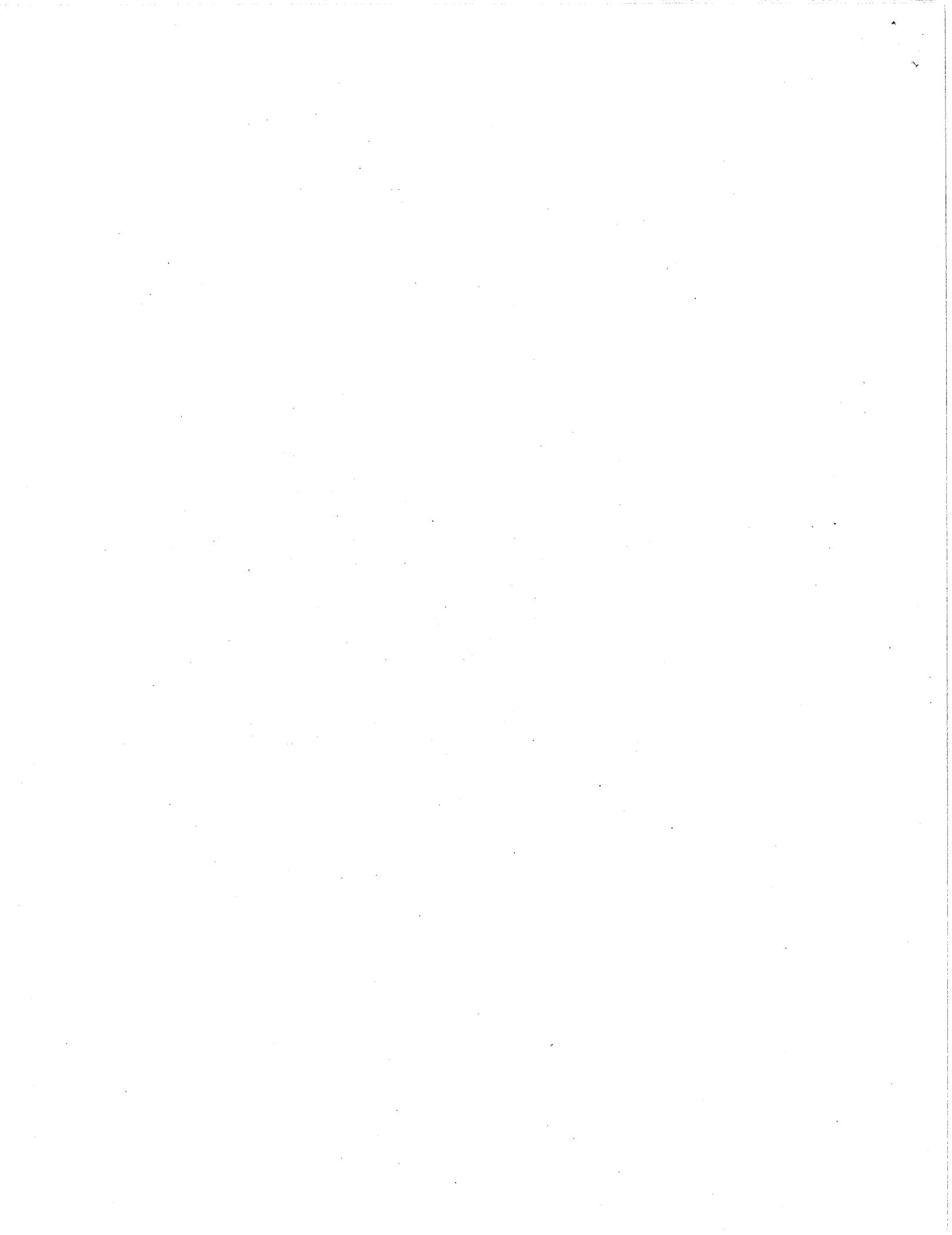


7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that the City has completed the following corrective actions:
 - a. On January 22, 2008, the City flushed the lines in which the low total chlorine residual was found and restored the total chlorine residual level in those lines to 2.3 milligrams per liter ("mg/L").
 - b. On February 4, 2008, the City calibrated the backwash flow meter.
 - c. On February 13, 2008, the City provided documentation demonstrating that:
 - i. A six foot chain link fence with three rows of barbed wire was installed around the liquid ammonium sulfate day tank, the potassium permanganate day tank, and the associated chemical feed equipment;
 - ii. The alum/polymer blend storage tank was relocated so that it is no longer stored in the same containment structure as the the caustic solution; and
 - iii. Overflows that include flappers on the end to prevent dust and debris from entering the Facility's two clearwells were installed.
 - d. On February 29, 2008, the City installed flow measuring devices on the two raw water treatment trains.
9. 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.
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. 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 ensure that each water treatment plant and all appurtenances are enclosed by an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.42(m), as documented during an investigation conducted on January 22, 2008. Specifically, the liquid ammonium sulfate day tank, the potassium permanganate day tank, and the associated chemical feed equipment, which are located at the City's wastewater treatment facility, are enclosed only by a livestock fence that is not intruder-resistant.



2. Failed to calibrate flow measuring devices and rate-of-flow controllers at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on January 22, 2008. Specifically, on the date of the investigation, it was observed that the backwash flow meter had not been calibrated in the last twelve months.
3. Failed to provide additional metering devices to monitor the flow rate through specific treatment processes, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(5), as documented during an investigation conducted on January 22, 2008. Specifically, the City's raw water treatment process splits into two treatment trains, and flow measuring devices were not installed on either of the treatment trains.
4. Failed to ensure incompatible chemicals are not stored within the same containment structure, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV), as documented during an investigation conducted on January 22, 2008. On the date of the investigation, the alum/polymer blend storage tank and the caustic solution were being stored in the same containment structure.
5. Failed to ensure that all facilities for potable water storage are covered, designed, fabricated, erected, tested, and disinfected in strict accordance with current American Water Works Association standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c) as documented during an investigation conducted on January 22, 2008. Specifically, the two clearwells at the Facility did not have overflows installed.
6. Failed to maintain a minimum disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d) and 290.110(b)(4), as documented during an investigation conducted on January 22, 2008. Specifically, a field test performed at the time of the investigation revealed a total chlorine residual of 0.14 mg/L at 26773 South Palomino Street.

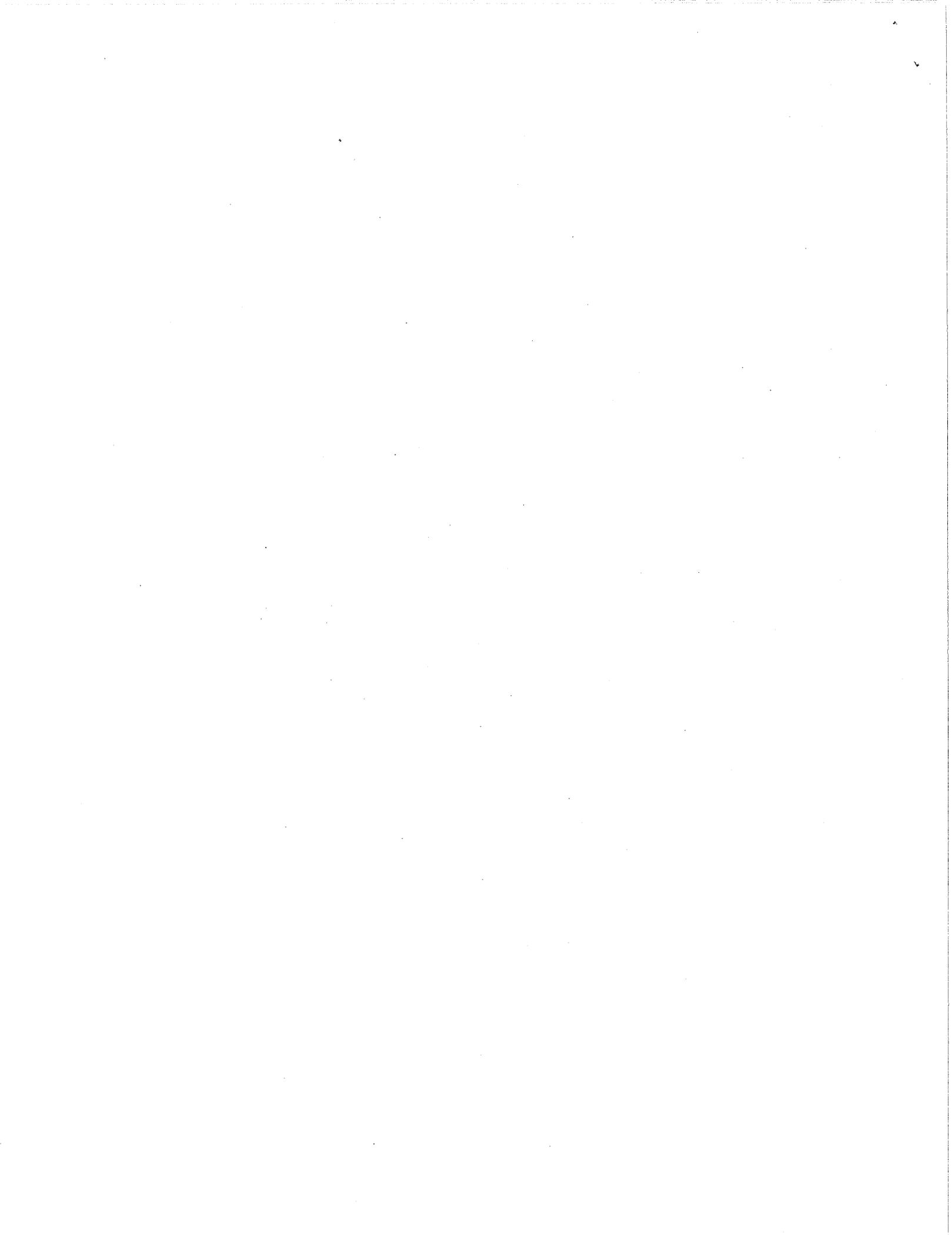
III. DENIALS

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

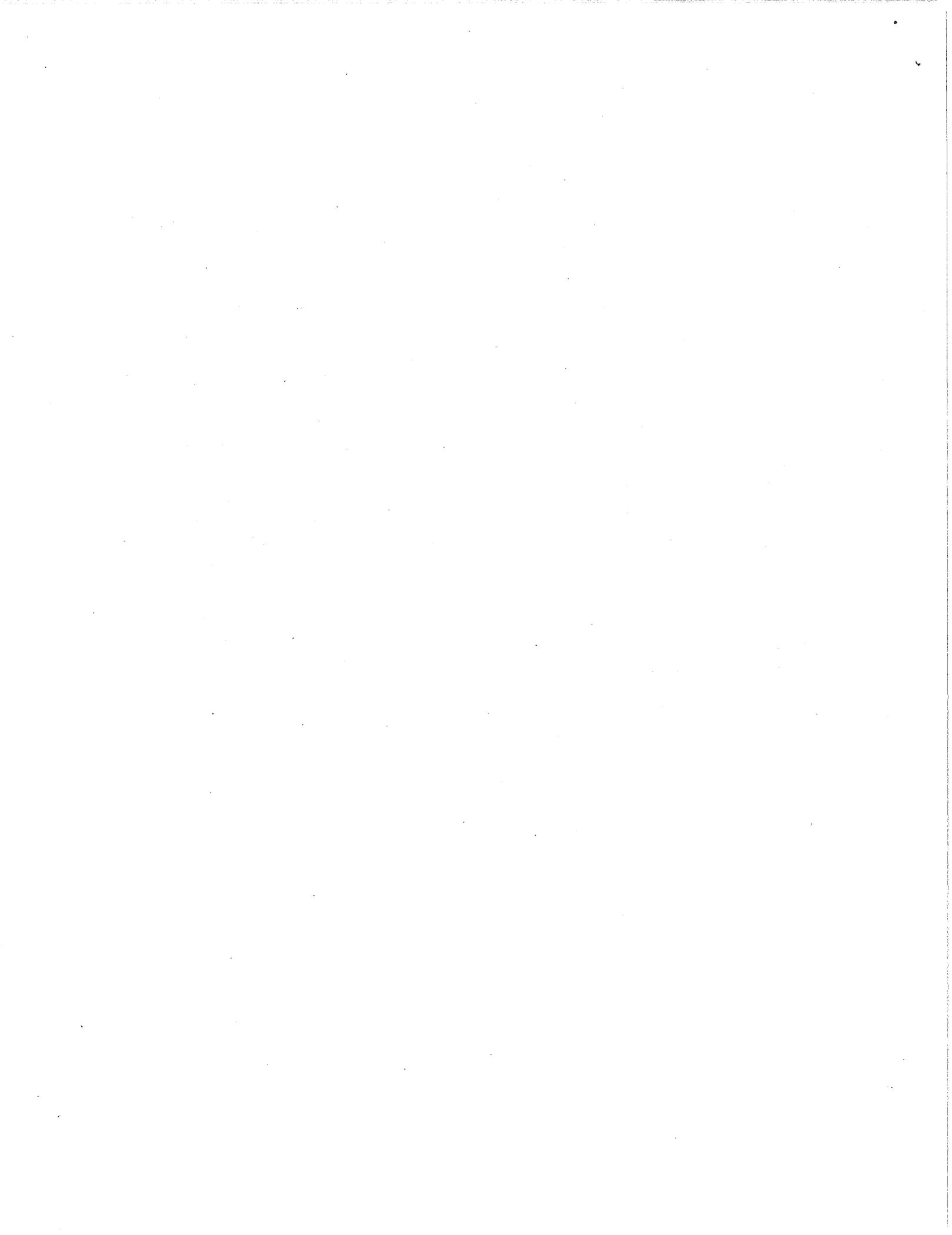
IV. ORDERING PROVISIONS

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 Feria, Docket No. 2008-0412-PWS-E" to:

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



2. The 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 Facility operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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

John S. Davis
For the Executive Director

9/4/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Lori Weaver
Signature

6-13-2008
Date

LORI WEAVER
Name (Printed or typed)
Authorized Representative of
City of La Feria

MAYOR BRO-TEM
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.

