EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1035-PWS-E **TCEQ ID:** RN102698719 **CASE NO.:** 34039

RESPONDENT NAME: Webb County

ORDER TYPE:		
__1660 AGREED ORDER	X_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: Webb County Water Utilities, 515 Martha Drive, Rio Bravo, Webb 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 June 16, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768
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 Daniel Valdez, County Judge, Webb County, P.O. Box 29, 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 _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 13 and 16, 2007 **Date of NOV/NOE Relating to this Case:** May 30, 2007 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failure to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, on April 13, 2006, the total chlorine levels were 0.38 mg/L at the Rio Bravo elevated tank, 0.26 mg/L at 1015 Paseo de Tiber and 0.02 mg/L at the El Cenizo elevated tank; and on April 16, 2007, the El Cenizo elevated tank total chlorine level was 0.14 mg/L [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 2) Failure to provide secondary containment for liquid chemical storage tanks. Specifically, at the time of the investigation, there was no secondary containment provided for the phosphoric acid drums [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)]. 3) Failure to provide American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") certification for all chemicals used as direct or indirect additives. Specifically, the water supply could not provide ANSI/NSF certification for the silica sand and the phosphoric acid ultraviolet cleaner [30 TEX. ADMIN. CODE § 290.42(j)].	**Total Assessed:** $5,980 **Total Deferred:** $0 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $5,980 **Total Paid to General Revenue:** $0 **Site Compliance History Classification** __ **High** __ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The Respondent had three prior NOVs in the last five years that contained the same violations that are in the current enforcement action.	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a. On April 19, 2007, the Respondent increased its flushing schedule and began maintaining a disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system; and b. On May 29, 2007, the Respondent: i. Installed secondary containment for the phosphoric acid drums; and ii. Provided copies of ANSI/NSF certification for the silica sand and the phosphoric acid ultraviolet cleaner. **Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). See Attachment A. 2) The Order will also require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Properly calibrate all laboratory equipment used for compliance testing; and ii. Repair and begin maintaining all facilities and equipment not in good working condition, including the standpipe that was leaking and that had holes in the roof and hatch, the El Cenizo elevated tank's roof hatch that was open and unlocked, the broken aircraft light on the Rio Bravo elevated tank, and the rusted screens inside the overflow flaps of the El Cenizo and Rio Bravo elevated tanks. b. Within 45 days after the effective date of this Agreed Order:

4) Failure to properly calibrate the laboratory equipment used for compliance testing. Specifically, on the date of the initial investigation, April 13, 2007, all instrumentation requiring calibration every 90 days, with the exception of the online pH meters, had last been calibrated on January 4, 2007. Additionally, the online pH meters, the online and benchtop chlorine meters, and the online and benchtop turbidity meters had no records of primary or secondary calibration [30 TEX. ADMIN. CODE § 290.46(s)]. 5) Failure to submit accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission. Specifically, the reports submitted for May 2006 through April 2007 contained inaccurate raw water pump data and individual filter effluent readings, and the water supply reported averages for chlorine, temperature, and pH in the reports, instead of values recorded during times of peak flow-through [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and 290.46(f)(4)(B)]. 6) Failure to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, the standpipe was noted to have holes in the roof and hatch and it was also not water-tight, the El Cenizo elevated tank had an overflow flap screen that was severly rusted and a roof hatch that was not closed and locked, and the Rio Bravo elevated tank had a broken aircraft light and screens inside the overflow flaps that were rusted [30 TEX. ADMIN. CODE § 290.46(m)]. 7) Failure to provide an intruder-resistant fence around all water system facilities and equipment. Specifically, there was no fence surrounding the raw water diesel pump or the above-ground raw water transmission line, the fencing in place at the raw water station was in disrepair, and there was excessive vegetation covering the fence surrounding the Rio Bravo elevated tank [30 TEX. ADMIN. CODE §§ 290.41(e)(5) and 290.43(e)].		i. Submit written documentation, as detailed in Ordering Provision 2.d. below, that certifies compliance with Ordering Provision 2.a.; and ii. Begin submitting accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission that contain accurate raw water pump data and individual filter effluent readings, and that report values for chlorine, temperature, and pH that are recorded during times of peak flow-through. c. Within 60 days after the effective date of this Agreed Order, erect an intruder-resistance fence around the raw water diesel pump and raw water transmission line, repair the fence surrounding the raw water station, and remove all vegetation from the fence surrounding the Rio Bravo elevated tank. d. Within 75 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 Provision 2.c.

Additional ID No(s).: PWS ID No. 2400022

Attachment A
Docket Number: 2007-1035-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Webb County**
Payable Penalty Amount:	**Five Thousand Nine Hundred Eighty Dollars ($5,980)**
SEP Amount:	**Five Thousand Nine Hundred Eighty Dollars ($5,980)**
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 Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

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 Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount 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, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount 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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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)

Policy Revision 2 (September 2002) *PCW Revision May 25, 2007*

TCEQ

DATES					
Assigned	4-Jun-2007				
PCW	26-Jun-2007	Screening	21-Jun-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County		
Reg. Ent. Ref. No.	RN102698719		
Facility/Site Region	16-Laredo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34039	No. of Violations	8
Docket No.	2007-1035-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
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* $5,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 15% Enhancement *Subtotals 2, 3, & 7* $780

Notes: The compliance history enhancement is due to three prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

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 x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$756
Approx. Cost of Compliance	$4,300

SUM OF SUBTOTALS 1-7 *Final Subtotal* $5,980

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 $5,980

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* $5,980

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 for Findings Orders.

PAYABLE PENALTY $5,980

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 34039

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102698719

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*)	3	15%
	Other written NOVs	0	0%
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%

		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) 15%

>> 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 compliance history enhancement is due to three prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, on April 13, 2006, the total chlorine levels were 0.38 mg/L at the Rio Bravo elevated tank, 0.26 mg/L at 1015 Paseo de Tiber and 0.02 mg/L at the El Cenizo elevated tank; and on April 16, 2007, the El Cenizo elevated tank total chlorine level was 0.14 mg/L.

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 0%

Matrix Notes: Failure to properly disinfect the drinking water throughout the distribution system at all times could cause customers of the water supply to be exposed to significant amounts of contaminants that would not exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 2 | 2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

Two single events are recommended -- one for each date the chlorine residual was below the 0.5 mg/L minimum.

Economic Benefit (EB) for this violation

Estimated EB Amount $500

Statutory Limit Test

Violation Final Penalty Total $575

This violation Final Assessed Penalty (adjusted for limits) $575

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
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				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	There are no delayed costs associated with this violation.						
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]	$500	13-Apr-2007	19-Apr-2007	0.0	$0	$500	$500
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount of additional treatment and oversight that could have avoided the low chlorine levels, calculated from the date of the initial investigation to the date of compliance.						

Approx. Cost of Compliance: $500

TOTAL: $500

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)

Violation Description Failed to provide secondary containment for liquid chemical storage tanks. Specifically, at the time of the investigation, there was no secondary containment provided for the phosphoric acid drums.

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 0%

Matrix Notes: Without secondary containment, spills or leaks would not be contained and could cause harm to water system operators and personnel.

Adjustment $750

$250

Violation Events

Number of Violation Events 1

46 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

One quarterly event is recommended, calculated from the date of the investigation, April 13, 2007, to the date of compliance, May 29, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $288

This violation Final Assessed Penalty (adjusted for limits) $288

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 2

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	$200	13-Apr-2007	29-May-2007	0.1	$0	$2	$2
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 purchase and install secondary containment for the phosphoric acid drums, 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	There are no avoided costs associated with this violation.						

Approx. Cost of Compliance: $200

TOTAL: $2

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(j)

Violation Description Failed to provide American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") certification for all chemicals used as direct or indirect additives. Specifically, the water supply could not provide ANSI/NSF certification for the silica sand and the phosphoric acid ultraviolet cleaner.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $750

$250

Violation Events

Number of Violation Events 2

46 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

Two single events are recommended -- one event for each ANSI/NSF certification that was lacking.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $575

This violation Final Assessed Penalty (adjusted for limits) $575

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 3

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	$100	13-Apr-2007	29-May-2007	0.1	$1	n/a	$1
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 obtain and begin maintaining the ANSI/NSF certifications, 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	There are no avoided costs associated with this violation.						

Approx. Cost of Compliance $100

TOTAL $1

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

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

Violation Description Failed to properly calibrate the laboratory equipment used for compliance testing. Specifically, on April 13, 2007, all instrumentation requiring calibration every 90 days, with the exception of the online pH meters, had last been calibrated on January 4, 2007. Additionally, the online pH meters, the online and benchtop chlorine meters, and the online and benchtop turbidity meters had no records of primary or secondary calibration.

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 0%

Matrix Notes: Failure to calibrate all equipment used for compliance testing could result in inaccurate or misleading information regarding the quality of the drinking water and customers of the water supply and could be exposed to significant amounts of contaminants at levels that are not protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1 | 69 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

One quarterly event is recommended, calculated from the date of the investigation, April 13, 2007, to the date the case was screened on June 21, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $20

Statutory Limit Test

Violation Final Penalty Total $288

This violation Final Assessed Penalty (adjusted for limits) $288

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 4

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)	$300	13-Apr-2007	30-Mar-2008	1.0	$1	$19	$20
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 properly calibrate all lab equipment used for determining compliance, calculated from the date of the investigation to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance $300

TOTAL $20

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(2) and 290.46(f)(4)(B)

Violation Description Failed to submit accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission. Specifically, the reports submitted for May 2006 through April 2007 contained inaccurate raw water pump data and individual filter effluent readings, and the water supply reported averages for chlorine, temperature, and pH in the reports, instead of values recorded during times of peak flow-through.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 10%

Matrix Notes: Between 30% and 70% of the information in the reports was not accurate.

Adjustment $900

$100

Violation Events

Number of Violation Events 12 365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,200

Twelve single events are recommended -- one for each inaccurate report.

Economic Benefit (EB) for this violation

Estimated EB Amount $19

Statutory Limit Test

Violation Final Penalty Total $1,380

This violation Final Assessed Penalty (adjusted for limits) $1,380

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media 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	$200	1-May-2006	30-Mar-2008	1.9	$19	n/a	$19
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 create and begin maintaining an accurate method of record keeping for the Monthly Operational Reports for Surface Water Treatment Plants, calculated from initial month of erroneous record-keeping to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance $200

TOTAL $19

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

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

Violation Description Failed to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, the standpipe was noted to have holes in the roof and hatch and it was also not water-tight, the El Cenizo elevated tank had an overflow flap screen that was severly rusted and a roof hatch that was not closed and locked, and the Rio Bravo elevated tank had a broken aircraft light and screens inside the overflow flaps that were rusted.

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 0%

Matrix Notes: Failure to maintain the water system's facilities and equipment could cause customers of the water supply to be exposed to significant amounts of contaminants at levels that are not protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 3

69 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $750

Three quarterly events are recommended -- one quarterly event per location with equipment requiring maintenance, calculated from the date of the investigation, April 13, 2007, to the date the case was screened on June 21, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $68

Statutory Limit Test

Violation Final Penalty Total $863

This violation Final Assessed Penalty (adjusted for limits) $863

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 6

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)	$1,000	13-Apr-2007	30-Mar-2008	1.0	$3	$64	$68
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 total amount required repair the holes in the roof and the hatch and to repair the leaking areas of the standpipe, to provide a proper lock for the roof hatch on the El Cenizo elevated tank, to repair the aircraft light on the top of the Rio Bravo elevated tank, and to replace the screens placed inside the overflow flaps of the El Cenizo and Rio Bravo elevated tanks. 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance $1,000

TOTAL $68

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

Respondent Webb County

Case ID No. 34039

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 290.41(e)(5) and 290.43(e)

Violation Description Failed to provide an intruder-resistant fence around all water system facilities and equipment. Specifically, there was no fence surrounding the raw water diesel pump or the above-ground raw water transmission line.

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 0%

Matrix Notes: Failure to erect intruder-resistant fencing could allow contaminants to enter the water supply resulting in the customers of the water supply being exposed to a significant amount of contaminants that could exceed levels that are protective of human health.

Adjustment $500

$500

Violation Events

3 — 69 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,500

Three monthly events are recommended, calculated from the date of the investigation, April 13, 2007, to the date the case was screened on June 21, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $110

Statutory Limit Test

Violation Final Penalty Total $1,725

This violation Final Assessed Penalty (adjusted for limits) $1,725

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media 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)	$1,500	13-Apr-2007	30-Apr-2008	1.0	$5	$105	$110
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 erect intruder-resistant fencing around the raw water diesel pump and raw water transmission line, calculated from the date of the investigation to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance $1,500

TOTAL $110

Screening Date 21-Jun-2007 **Docket No.** 2007-1035-PWS-E **PCW**

Respondent Webb County *Policy Revision 2 (September 2002)*

Case ID No. 34039 *PCW Revision May 25, 2007*

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code §§ 290.41(e)(5) and 290.43(e)

Violation Description Failed to provide an intruder-resistant fence around all water system facilities and equipment. Specifically, the fencing in place at the raw water station was in disrepair and there was excessive vegetation covering the fence surrounding the Rio Bravo elevated tank.

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 0%

Matrix Notes: Failure to maintain intruder-resistant fencing could allow contaminants to enter the water supply resulting in the customers of the water supply being exposed to a significant amount of contaminants at levels that are not protective of human health.

Adjustment $750

$250

Violation Events

1 — 69 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $250

One quarterly event is recommended, calculated from the date of the investigation, April 13, 2007, to the date the case was screened on June 21, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $37

Statutory Limit Test

Violation Final Penalty Total $288

This violation Final Assessed Penalty (adjusted for limits) $288

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 34039
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 8

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)	$500	13-Apr-2007	30-Apr-2008	1.0	$2	$35	$37
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 repair the fencing at the raw water station and remove all vegetation from the fence surrounding the Rio Bravo elevated tank, calculated from the date of the investigation to 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs: There are no avoided costs associated with this violation.

Approx. Cost of Compliance $500

TOTAL $37

Compliance History

Customer/Respondent/Owner-Operator:	CN600612758	Webb County	Classification: AVERAGE	Rating: 1.97
Regulated Entity:	RN102698719	WEBB COUNTY WATER UTILITIES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	2400022
	WATER LICENSING		LICENSE	2400022

Location: 515 MARTHA DR, RIO BRAVO, TX, 78046

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: June 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2002 to June 25, 2007

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

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?	N/A
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 08/06/2002 (5817)
2 08/19/2003 (150730)
3 10/10/2003 (251661)
4 06/16/2004 (274551)
5 03/02/2005 (347501)
6 07/28/2005 (401112)
7 08/24/2006 (509929)
8 03/27/2007 (555093)
9 05/30/2007 (562293)

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

1 Date: 08/20/2003 (150730)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)[G]

Description: Failure to properly calibrate laboratory equipment used for compliance

Self Report? NO Classification: Minor

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

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

2 Date: 07/26/2005 (401112)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description: Failure to maintain a minimum of 0.2 mg/L free chlorine residual in each finished water storage tank and throughout the distribution.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)[G]

Description: Failure to properly calibrate laboratory equipment used for compliance

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(4)

Description: Failure by a water system that serves fewer than 10,000 people to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes.

3 Date: 08/25/2006 (509929)

Self Report? NO Classification: Moderate

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

Description: Failure to properly calibrate laboratory equipment used for compliance

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(2)

Description: Failure to report the continuous individual filter monitoring data as

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(5)(B)

Description: Failure to conduct grab sampling every four hours in lieu of continuous individual filter monitoring and for no more than 14 working days following the failure of the online equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)[G]
30 TAC Chapter 290, SubChapter F 290.122(d)

Description: Failure notify persons served by the system of the failure to monitor and/or report as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an accurate and up-to-date chemical and microbiological monitoring plan. Specifically, the monitoring plan did not accurately reflect the locations at which monitoring was being conducted for turbidity of the combined filter effluent.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the water system's facilities.

Self Report? NO Classification: Minor

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

Description: Failure provide a thorough and updated plant operations manual for the operators to review and reference.

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**
WEBB COUNTY	§	
RN102698719	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1035-PWS-E

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

Webb County 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, Webb County 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 Webb County.

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

I. FINDINGS OF FACT

1. Webb County owns and operates a public water supply at 515 Martha Drive in Rio Bravo, Webb County, Texas (the "Facility") that has approximately 1,816 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times when the total chlorine levels were found to be 0.38 mg/L at the Rio Bravo elevated tank, 0.26 mg/L at 1015 Paseo de Tiber and 0.02 mg/L at the El Cenizo elevated tank on April 13, 2007, and when the El Cenizo elevated tank total chlorine level was found to be 0.14 mg/L on April 16, 2007.

3. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not provide secondary containment for the phosphoric acid drums.

4. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County could not provide American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") certification for the silica sand and the phosphoric acid ultraviolet cleaner.

5. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not properly calibrate the laboratory equipment used for compliance testing when it was discovered that all instrumentation requiring calibration every 90 days, with the exception of the online pH meters, had last been calibrated on January 4, 2007 and no records could be provided demonstrating that primary or secondary calibration had been performed on the online pH meters, the online and benchtop chlorine meters, or the online and benchtop turbidity meters.

6. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not submit accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission when it was discovered that the May 2006 through April 2007 reports contained inaccurate raw water pump data and individual filter effluent readings, and averages for chlorine, temperature, and pH, were included in the report instead of values recorded during times of peak flow-through.

7. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not maintain its facilities and equipment when it was discovered that the standpipe was leaking and had holes in the roof and hatch, the El Cenizo elevated tank's roof hatch was open and unlocked, the Rio Bravo elevated tank had a broken aircraft light, and the El Cenizo and Rio Bravo elevated tanks both had rusted screens inside the overflow flaps.

8. During an investigation conducted on April 13 and 16, 2007, TCEQ staff documented that Webb County did not provide an intruder-resistant fence around all water system facilities and equipment when it was discovered that there was no fence surrounding the raw water diesel pump or the above-ground raw water transmission line, the fencing that was in place at the raw water station was in disrepair, and there was excessive vegetation covering the fence surrounding the Rio Bravo elevated tank.

9. Webb County received notice of the violations on or about June 5, 2007.

10. The Executive Director recognizes that Webb County has implemented the following corrective measures at the Facility:

    a. On April 19, 2007, Webb County increased its flushing schedule and began maintaining a disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system; and

    b. On May 29, 2007, Webb County:

        i. Installed secondary containment for the phosphoric acid drums; and

ii. Provided copies of ANSI/NSF certification for the silica sand and the phosphoric acid ultraviolet cleaner.

II. CONCLUSIONS OF LAW

1. Webb County is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 2, Webb County failed to maintain a disinfectant residual of 0.5 mg/L total chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B) and TEX. HEALTH & SAFETY CODE 341.0315(c).

3. As evidenced by Findings of Fact No. 3, Webb County failed to provide secondary containment for liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).

4. As evidenced by Findings of Fact No. 4, Webb County failed to provide ANSI/NSF certification for all chemicals used as direct or indirect additives, in violation of 30 TEX. ADMIN. CODE § 290.42(j).

5. As evidenced by Findings of Fact No. 5, Webb County failed to properly calibrate the laboratory equipment used for compliance testing, in violation of 30 TEX. ADMIN. CODE § 290.46(s).

6. As evidenced by Findings of Fact No. 6, Webb County failed to submit accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and 290.46(f)(4)(B).

7. As evidenced by Findings of Fact No. 7, Webb County failed to maintain the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

8. As evidenced by Findings of Fact No. 8, Webb County failed to provide an intruder-resistant fence around all water system facilities and equipment, in violation of 30 TEX. ADMIN. CODE §§ 290.41(e)(5) and 290.43(e).

9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Webb County 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.

10. An administrative penalty in the amount of Five Thousand Nine Hundred Eighty Dollars ($5,980) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Five Thousand Nine Hundred Eighty Dollars ($5,980) shall be conditionally offset by Webb County's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

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

1. Webb County is assessed an administrative penalty in the amount of Five Thousand Nine Hundred Eighty Dollars ($5,980) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Webb County'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: Webb County, Docket No. 2007-1035-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. Webb County shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 10 above, Five Thousand Nine Hundred Eighty Dollars ($5,980) of the assessed administrative penalty shall be offset with the condition that Webb County implement the SEP defined in Attachment A, incorporated herein by reference. Webb County'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. Webb County shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Properly calibrate all laboratory equipment used for compliance testing, in accordance with 30 TEX. ADMIN. CODE § 290.46; and

      ii. Repair and begin maintaining all facilities and equipment not in good working condition, including the standpipe that was leaking and that had holes in the roof and hatch, the El Cenizo elevated tank's roof hatch that was open and unlocked, the broken aircraft light on the Rio Bravo elevated tank, and the rusted screens inside the overflow flaps of the El Cenizo and Rio Bravo elevated tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.

   b. Within 45 days after the effective date of this Agreed Order:

      i. Submit written documentation, as detailed in Ordering Provision 3.d. below, that certifies compliance with Ordering Provision 3.a.; and

ii. Begin submitting accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission that contain accurate raw water pump data and individual filter effluent readings, and that report values for chlorine, temperature, and pH that are recorded during times of peak flow-through, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.46.

c. Within 60 days after the effective date of this Agreed Order, erect an intruder-resistance fence around the raw water diesel pump and raw water transmission line, repair the fence surrounding the raw water station, and remove all vegetation from the fence surrounding the Rio Bravo elevated tank, in accordance with 30 TEX. ADMIN. CODE §§ 290.41 and 290.43.

d. Within 75 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 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
1403 Seymour, Suite 2
Laredo, Texas 78040-8752

4. The provisions of this Agreed Order shall apply to and be binding upon Webb County. Webb County 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.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Webb County shall be made in writing to the Executive Director. Extensions are not effective until Webb County receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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 Webb County if the Executive Director determines that Webb County has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.

8. This Agreed Order, issued by the Commission, shall not be admissible against Webb County 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.

9. 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.

10. 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

_____ 7/18/2008
For the Executive Director Date

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

_____ 12/5/07
Signature Date

Danny Valdez
Name (Printed or typed)
Authorized Representative of
Webb County

Webb County Judge
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

Attachment A
Docket Number: 2007-1035-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**Webb County**
Payable Penalty Amount:	**Five Thousand Nine Hundred Eighty Dollars ($5,980)**
SEP Amount:	**Five Thousand Nine Hundred Eighty Dollars ($5,980)**
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 Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

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 Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount 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, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount 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 payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

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.

RECEIVED
APR 4 2008
Webb County Engineering Department