

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0370-PWS-E TCEQ ID: RN101388957 CASE NO.: 37299
RESPONDENT NAME: CITY OF LA VILLA

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 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

SITE WHERE VIOLATION(S) OCCURRED: Intersection of Third Street and Nogales Street, La Villa, Hidalgo County

TYPE OF OPERATION: public water system

SMALL BUSINESS: Yes No N/A

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 expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired January 18, 2010. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012
TCEQ Regional Contact: Ms. Jaime Garza, Harlingen Regional Office, MC R-15, (956) 430-6030
Respondent: The Honorable Hector Elizondo, Mayor, City of La Villa, PO Box 60, La Villa, Texas 78562
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Dates of Investigation Relating to this Case: December 11, 2008; March 11, 2009</p> <p>Date of NOE Relating to this Case: January 15, 2009</p> <p>Background Facts: The case was referred to the Litigation Division on April 6, 2009. The EDPRP was filed June 17, 2009. Settlement was achieved and the agreed order was signed on November 19, 2009.</p> <p>Current Compliance Status: Not yet in compliance. The Respondent owes \$1,312.50 in past-due fees.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to submit surface water monthly operating reports (SWMORs) to the Commission by the tenth day of the month following the end of the reporting period [30 TEX. ADMIN CODE §§ 290.110(e)(2) and (e)(5), and 290.111(h)(3) and (h)(11)]. Failed to pay all outstanding fees, penalties, and interest to the Commission in a timely manner [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE §§ 21.4 and 290.51]. 	<p>Total Assessed: \$3,172</p> <p>Total Deferred: \$3,172 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$0</p> <p>One hundred percent of the penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: At least three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). Within 30 days: <ol style="list-style-type: none"> Submit all completed SWMORs to the Commission no later than the tenth day of the month following the end of the reporting period; and Submit payment of all outstanding fees, penalties, and interest to the Commission with the notation. Within 45 days, submit written certification demonstrating compliance.

Attachment A
Docket Number: 2009-0370-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of La Villa

Penalty Amount: Three thousand one hundred seventy-two dollars (\$3,172)

SEP Offset Amount: Three thousand one hundred seventy-two dollars (\$3,172)

Type of SEP: Pre-approved SEP

Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. (“RC&D”) *Water or wastewater treatment assistance*

Location of SEP: Hidalgo County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset 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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the *Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)* for the *Water or wastewater treatment assistance* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. Any remaining SEP funds after completion of the *Water or wastewater treatment assistance* project may, upon approval of the Executive Director, be applied by RC&D to another pre-approved SEP project. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, or antifreeze recycling. The project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has 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

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.

- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of \$268 followed by 11 payments of \$264, for a total of \$3,172. The Respondent shall mail a copy of the Final Agreed Order with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a 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 October 30, 2008

TCEQ

DATES	Assigned	17-Feb-2009			
	PCW	11-Mar-2009	Screening	11-Mar-2009	EPA Due 31-Aug-2008

RESPONDENT/FACILITY INFORMATION					
Respondent	City of La Villa				
Reg. Ent. Ref. No.	RN101388957				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	37299	No. of Violations	2		
Docket No.	2009-0370-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Rebecca Clausewitz		
		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	\$1,300
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	144.0% Enhancement	Subtotals 2, 3, & 7	\$1,872
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Notes: The enhancement is due to the Respondent's poor performer status, 13 prior Notices of Violation (NOVs) containing violations that are the same as or similar to the violations in the current enforcement action, seven prior NOVs that contain dissimilar violations, one prior default order, and one prior non-adjudicated final court judgment with a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,528
 Approx. Cost of Compliance \$1,300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,172
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$3,172

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,172
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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	\$3,172
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Screening Date 11-Mar-2009

Docket No. 2009-0370-PWS-E

PCW

Respondent City of La Villa

Policy Revision 2 (September 2002)

Case ID No. 37299

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388957

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)	13	65%
	Other written NOVs	7	14%
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	1	25%
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)	1	30%
	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) 134%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to the Respondent's poor performer status, 13 prior Notices of Violation (NOVs) containing violations that are the same as or similar to the violations in the current enforcement action, seven prior NOVs that contain dissimilar violations, one prior default order, and one prior non-adjudicated final court judgment with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 144%

Screening Date 11-Mar-2009 **Docket No.** 2009-0370-PWS-E **PCW**
Respondent City of La Villa *Policy Revision 2 (September 2002)*
Case ID No. 37299 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101388957
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(2) and (e)(5) and 290.111(h)(3) and (h)(11)
Violation Description Failed to submit the surface water monthly operating report ("SWMOR") to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the City failed to submit the May 2006, June 2006, September 2007, October 2007, November 2007, January 2008, February 2008, March 2008, July 2008, August 2008, September 2008, October 2008 and November 2008 SWMORs to the Commission.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes 100% of the reporting requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 13 396 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,300

Thirteen monthly events are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EUPRP Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,300

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

Estimated EB Amount \$1,528 **Violation Final Penalty Total** \$3,172

This violation Final Assessed Penalty (adjusted for limits) \$3,172

Economic Benefit Worksheet

Respondent City of La Villa
Case ID No. 37299
Reg. Ent. Reference No. RN101388957
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,300	1-May-2006	30-Nov-2008	3.50	\$228	\$1,300	\$1,528
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to prepare and submit the SWMORs, calculated for the months in which no SWMORs were submitted by the City.

Approx. Cost of Compliance \$1,300

TOTAL \$1,528

Screening Date 11-Mar-2009 **Docket No.** 2009-0370-PWS-E **PCW**
Respondent City of La Villa *Policy Revision 2 (September 2002)*
Case ID No. 37299 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101388957
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)
 Tex. Water Code §§ 5.702 and Tex. Admin. Code §§ 21.4 and 290.51

Violation Description
 Failed to pay all outstanding fees, penalties, and interest to the Commission in a timely manner. Specifically, the Respondent has annual Consolidated Water Quality fees (CSQ), annual Public Health Service fees (PHS), and associated late fees that are outstanding for TCEQ Financial Administration Account Nos. 23006061 and 23601614.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<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
 - weekly
 - monthly
 - quarterly
 - semiannual
 - annual
 - single event

Violation Base Penalty

All interest and penalties will be assessed by the TCEQ's Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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 Villa
Case ID No. 37299
Reg. Ent. Reference No. RN101388957
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

TOTAL

Compliance History Report

Customer/Respondent/Owner-Operator: CN600643217 City of La Villa Classification: POOR Rating: 87.74
Regulated Entity: RN101388957 CITY OF LA VILLA Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1080023
WATER LICENSING LICENSE 1080023
Location: Third and Nogales St, La Villa, Hidalgo County, Texas
TCEQ Region: REGION 15 - HARLINGEN
Date Compliance History Prepared: March 13, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 12, 2004 to March 12, 2009

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? 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 judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/14/2004

ADMINORDER 2001-1374-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Description: Failure to inspect the elevated and ground storage tanks at least annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosage, the accumulation of water production and the operation of plant facilities.

Classification: Moderate

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

Description: Failure to maintain the control valve and the exterior coating of the elevated storage tank.

Classification: Moderate

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

Description: Failed to have at least a Class "C" or higher surface water operator on duty when the plant is in operation or provide continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms when the plant is not staffed.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(1)

Description: Failed to provide complete treatment at a plant which provides for continuous coagulation for all water secured from surface sources. Specifically, the City failed to repair & maintain the mechanical mixers in the north & south clarifiers.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(14)

Description: Failed to equip filters with sampling taps so effluent turbidity of each filter can be individually monitored. Specifically, the City failed to provide a sampling tap for settled water from the clarifier.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)
Description: Failed to provide at least one standby unit of each capacity of all disinfecting equipment on surface WTP's to ensure uninterrupted operation.

Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51
5A THC Chapter 341, SubChapter A 341.041
Description: Failed to pay all outstanding public health fees.

Classification: Moderate
Citation: 2A TWC Chapter 5, SubChapter A 5.701
2D TWC Chapter 26, SubChapter A 26.0291(g)
30 TAC Chapter 220, SubChapter B 220.21
30 TAC Chapter 305, SubChapter M 305.503
Description: Failed pay all outstanding WQ fees related to WQ assessment (including what was formerly known as the wastewater treatment and regulatory assessment fees).

Classification: Moderate
Citation: 2B TWC Chapter 11, SubChapter A 11.329
30 TAC Chapter 303, SubChapter H 303.73
Description: Failure to pay all outstanding watermaster fees.

Effective Date: 04/30/2008 COURT ORDER

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]
Description: Failure to inspect the elevated and ground storage tanks at least annually.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosage, the accumulation of water production and the operation of plant facilities.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the control valve and the exterior coating of the elevated storage tank.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(1)
Description: Failed to provide complete treatment at a plant which provides for continuous coagulation for all water secured from surface sources. Specifically, the City failed to repair & maintain the mechanical mixers in the north & south clarifiers.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(14)
Description: Failed to equip filters with sampling taps so effluent turbidity of each filter can be individually monitored. Specifically, the City failed to provide a sampling tap for settled water from the clarifier.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)
Description: Failed to provide at least one standby unit of each capacity of all disinfecting equipment on surface WTP's to ensure uninterrupted operation.

Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: 1, 2, 3, 4, 5, 6, 7 ORDER
Description: Violation of Commission order Docket No. 2001-1374-PWS-E

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for Trihalomethanes during the third quarter of 2006.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
Description: Violated the maximum contaminant level for Trihalomethanes during the second quarter of 2007.

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	07/07/2004	(275081)
2	07/22/2005	(395478)
3	10/06/2005	(399563)
4	02/17/2006	(455160)
5	07/10/2006	(467585)
6	04/19/2007	(571454)
7	04/19/2007	(571594)
8	06/19/2007	(563696)
9	08/08/2007	(571597)
10	08/08/2007	(652574)
11	08/21/2007	(572223)
12	12/11/2007	(653164)
13	08/06/2008	(684389)
14	12/22/2008	(722058)
15	01/05/2009	(722230)
16	01/05/2009	(722242)
17	01/05/2009	(722248)
18	01/05/2009	(722255)
19	01/05/2009	(722263)
20	01/05/2009	(722273)
21	01/05/2009	(722284)
22	01/05/2009	(722287)
23	01/05/2009	(722290)
24	01/05/2009	(722292)
25	01/05/2009	(722296)
26	01/05/2009	(722641)
27	02/09/2009	(722683)

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

1	Date: 07/07/2006	(722058)	CN600643217
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2)	
	Description:	May 2006 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.	
2	Date: 07/10/2006	(467585)	CN600643217
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)	
	Description:	Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosage, the accumulation of water production and the operation of plant facilities.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)	
	Description:	Failure by a public water system to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)	
	Description:	Failure to provide flow measuring devices to measure the raw water supplied to the plant, the treated water used to back wash the filters, and the treated water discharged from the plant.	
3	Date: 08/11/2006	(722230)	CN600643217
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2)	
	Description:	June 2006 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.	

4	Date: 04/19/2007 (571594) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Description: Violated the maximum contaminant level for Trihalomethanes during the third quarter of 2006.
5	Date: 04/19/2007 (571454) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5) Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2006.
6	Date: 08/08/2007 (652574) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Description: TOTAL TRIHALOMETHANES
7	Date: 08/08/2007 (571597) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Description: Violated the maximum contaminant level for Trihalomethanes during the second quarter of 2007.
8	Date: 11/14/2007 (722242) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2) Description: September 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.
9	Date: 11/26/2007 (722248) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2) Description: October 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.
10	Date: 12/11/2007 (653164) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4) Description: TOTAL TRIHALOMETHANES
11	Date: 12/27/2007 (722255) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2) Description: November 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.
12	Date: 03/03/2008 (722263) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2) Description: January 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.
13	Date: 03/31/2008 (722273) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2) Description: February 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.
14	Date: 04/30/2008 (722284) CN600643217 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

		30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2)	
	Description:	March 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.	
15	Date: 08/06/2008	(684389)	CN600643217
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)	
	Description:	Failure to provide an up-to-date chemical and microbiological monitoring plan. Specifically, during the July 02, 2008, investigation the facility was unable to provide an chemical and microbiological for the water treatment plant.	
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)	
	Description:	Failure to maintain on-line monitor filter effluent turbidities. Specifically, during the July 02, 2008, investigation the on-line filter effluent turbidimeters were observed to be damaged and were not functioning.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)	
	Description:	Failure to properly calibrate the benchtop turbidimeter. Specifically, during the July 02, 2008, investigation the secondary standards used to calibrate the benchtop turbidimeter were observed to be expired.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(2)(A)	
	Description:	Failure to provide a standby chemical feeder. Specifically, during the July 02, 2008, investigation there was no standby chemical feeder for the polymer day tank.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)	
	Description:	Failure to maintain all water facilities and related appurtenances in a water tight condition. Specifically, during the July 02, 2008, investigation the pipe gallery was observed to contain a large amount of water. As per the operator, Ricardo Perez, the water entered the gallery from a leaking pipe within the gallery.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)	
	Description:	Failure to identify chemical feed lines. Specifically, during the July 02, 2008, investigation the post chemical feed line was observed to be unlabeled and without color coding.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)	
	Description:	During the July 02, 2008, investigation it was observed that the facility needs to more adequately record and maintain distribution system flushing records.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)	
	Description:	Failure to develop and maintain a maintenace program to address the various corrosion issues throughout the water treatment plant. For example, during the July 02, 2008, investigation it was observed that the facility needs to maintain/replace the splitter box grate.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)	
	Description:	Failure to maintain an up-to-date thorough plant operations manual for operator review and reference.	
16	Date: 09/04/2008	(722287)	CN600643217
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(2) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.111(h)(11) 30 TAC Chapter 290, SubChapter F 290.111(h)(2)	
	Description:	July 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.	
17	Date: 10/15/2008	(722290)	CN600643217
	Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: August 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

18 Date: 12/03/2008 (722292) CN600643217
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: September 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

19 Date: 12/22/2008 (722296) CN600643217
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: October 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

20 Date: 01/05/2009 (722641) CN600643217
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(11)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: November 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

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 VILLA,
TCEQ ID NO. RN101388957

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0370-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of La Villa ("La Villa") under the authority of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and La Villa, presented this agreement to the Commission.

La Villa 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, La Villa agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 La Villa.

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

FINDINGS OF FACT

1. La Villa owns and operates a public water system located at the intersection of Third Street and Nogales Street, La Villa, Hidalgo County, Texas (the "Facility").
2. The Facility provides water for human consumption, has approximately 520 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 Tex. Admin. Code § 290.38(63).

3. During a record review conducted on December 11, 2008, a TCEQ Central Office investigator documented that La Villa failed to submit the surface water monthly operating report ("SWMOR") to the Commission by the tenth day of the month following the end of the reporting period. Specifically, La Villa failed to submit the May 2006, June 2006, September 2007, October 2007, November 2007, January 2008, February 2008, March 2008, July 2008, August 2008, September 2008, October 2008 and November 2008 SWMORs to the Commission.
4. During a record review conducted on March 11, 2009, a TCEQ Central Office investigator documented that La Villa failed to pay all outstanding fees, penalties, and interest to the Commission in a timely manner. Specifically, La Villa has annual Consolidated Water Quality fees, annual Public Health Service fees, and associated late fees that are outstanding for TCEQ Financial Administration Account Nos. 23006061 and 23601614.
5. La Villa received notice of the violation in paragraph no. 3 above on or about January 20, 2009.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, La Villa is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, La Villa failed to submit SWMORs to the Commission by the tenth day of the month following the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(5), and 290.111(h)(3) and (h)(11).
3. As evidenced by Finding of Fact No. 4, La Villa failed to pay all outstanding fees, penalties, and interest to the Commission in a timely manner, in violation of TEX. WATER CODE § 5.702; and 30 TEX. ADMIN. CODE §§ 21.4 and 290.51.
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against La Villa 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.

5. An administrative penalty in the amount of three thousand one hundred and seventy-two dollars (\$3,172.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.079. Pursuant to TEX. WATER CODE § 7.067, three thousand one hundred seventy-two dollars (\$3,172.00) of the administrative penalty shall be conditionally offset by La Villa's completion of a Supplemental Environmental Project ("SEP") as defined in Attachment A, incorporated herein by reference. La Villa'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.

ORDERING PROVISIONS

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

1. La Villa is assessed an administrative penalty in the amount of three thousand one hundred seventy-two dollars (\$3,172.00) as set forth in Conclusion of Law No. 5 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and La Villa'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. One hundred percent of the administrative penalty shall be conditionally offset by La Villa's completion of a SEP.
2. La Villa shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusions of Law No. 5, three thousand one hundred seventy-two dollars (\$3,172.00) of the assessed administrative penalty shall be offset with the condition that La Villa implement the SEP defined in Attachment A, incorporated herein by reference. La Villa'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. Administrative penalty payments for any portion of the administrative penalty not offset by a Supplemental Environmental Project or for any portion of the Supplemental Environmental Project deemed by the Executive Director as not complete shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of La Villa; Docket No. 2009-0370-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

4. La Villa shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Agreed Order, La Villa shall:

- i. Begin submitting all completed SWMORs to the Commission no later than the tenth day of the month following the end of the reporting period, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.111; and
- ii. Submit payment of all outstanding fees, penalties, and interest to the Commission with the notation, "City of La Villa; TCEQ Financial Administration Account Nos. 23006061 and 23601614". Payment shall be sent 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

- b. Within 45 days after the effective date of this Agreed Order, La Villa shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 4.a. above.

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.”

La Villa shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Jaime A. Garza, Water Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 W. Jefferson Avenue
Harlingen, Texas 78550-5247

5. The provisions of this Agreed Order shall apply to and be binding upon La Villa. La Villa is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. 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 La Villa shall be made in writing to the Executive Director. Extensions are not effective until La Villa receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 La Villa if the Executive Director determines that La Villa has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order, issued by the Commission, shall not be admissible against La Villa in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of

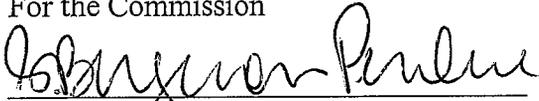
this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

10. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to La Villa, or three days after the date on which the Commission mails notice of the Order to La Villa, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/22/09

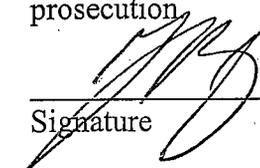
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of La Villa. I represent that I am authorized to agree to the attached Agreed Order on behalf of City of La Villa, 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 also understand that failure to comply with the Ordering Provisions in this order and/or failure to timely pay the penalty amount, may result in:

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

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution


Signature

11-19-09
Date

Javier Rodriguez

Name (printed or typed)

Authorized Representative

City of La Villa

City Administrator

Title

Attachment A
Docket Number: 2009-0370-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of La Villa

Penalty Amount: Three thousand one hundred seventy-two dollars (\$3,172)

SEP Offset Amount: Three thousand one hundred seventy-two dollars (\$3,172)

Type of SEP: Pre-approved SEP

Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Water or wastewater treatment assistance*

Location of SEP: Hidalgo County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset 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 Offset 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 the SEP Offset Amount to the Third-Party Recipient named above. The contribution will be to the *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the *Water or wastewater treatment assistance* project as set forth in an agreement between the Third-Party Recipient and the TCEQ. Specifically, SEP monies will pay for the labor and disposal costs associated with assistance to low-income residents with shallow, improperly designed, or contaminated drinking water wells or failing wastewater systems, or plugging of abandoned wells. Any remaining SEP funds after completion of the *Water or wastewater treatment assistance* project may, upon approval of the Executive Director, be applied by RC&D to another pre-approved SEP project. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, or antifreeze recycling. The project will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has 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

The wastewater portion of this SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause

range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as in lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The drinking water portion of this project will protect water sources for drinking, recreation and wildlife from contamination from the failing treatment systems, and protect public health from contaminated drinking water supplies.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset 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 shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of \$268 followed by 11 payments of \$264, for a total of \$3,172. The Respondent shall mail a copy of the Final Agreed Order with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

Litigation Division
Attention: SEP Coordinator, MC 175
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 Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.