

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO. 2008-1016-PWS-E TCEQ ID: RN102683323 CASE NO: 36089
RESPONDENT NAME: SOUTH TEXAS WATER AUTHORITY

| | | |
|---|--|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |

| | | |
|---|---|--|
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL 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 VIOLATIONS OCCURRED: One mile west of the intersection of Highway 77 and County Road 2010, Kingsville, Kleberg County

TYPE OF OPERATION: wholesale water supply 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 4, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-3400
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Epifanio Villareal, Water Enforcement Section, MC R-14, (361) 825-3425

TCEQ Regional Contact: Mr. David Kennebeck, Corpus Christi Regional Office, MC R-14, (361) 825-3111

Respondent: Ms. Carola G. Serrato, Executive Director, South Texas Water Authority, 111 East Sage Road, Kingsville, Texas 78363

Respondent's Attorney: Mr. Mike Willatt, Willatt & Flickinger, 2001 North Lamar, Austin, Texas 78705

| VIOLATION SUMMARY CHART: | | |
|---|---|--|
| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
| <p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 18, 2008</p> <p>Date of NOE Relating to this Case: May 20, 2008</p> <p>Background Facts: The EDPRP was filed on February 2, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on November 12, 2009.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the ordering provisions.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to maintain a residual disinfectant concentration of at least 0.5 milligrams per liter ("mg/L") chloramine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to maintain a record of the amount of chemical used each day [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II)]. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections [30 TEX. ADMIN. CODE § 290.121(a)]. Failed to inspect the interior surface of the water system's pressure tanks every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. Failed to provide all water system's pressure tanks with an easily readable pressure gauge [30 TEX. ADMIN. CODE § 290.43(d)(2)]. Failed to provide all water system's storage tanks with a liquid level indicator located at the tank site [30 TEX. ADMIN. CODE § 290.43(c)(4)]. | <p>Total Assessed: \$4,455</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$4,455</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> Conducted an inspection of the interior surface of all water system pressure tanks as of May 14, 2008 (violation 4); Installed pressure gauges at the Bishop Pump Station and the Central Pump Station such that all tanks were connected to a single pressure gauge as of May 13, 2008 (violation 5); Replaced the gas chlorine scales at the Kingsville and Bishop West Pump Station on April 23, 2008 (violation 7); Developed and provided the TCEQ with a water system monitoring plan as of September 21, 2009 (violation 3); and Provided a water level indicator for the Driscoll ground storage tank as of May 7, 2008 (violation 6). <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to a record of the amount of chemical used each day. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 1. Within 365 days, ensure all mechanical disinfection facilities are capable of maintaining a free chlorine residual of 0.2 mg/L or a chloramine residual of 0.5 mg/L in the far reaches of the distribution system. Within 375 days, submit written certification demonstrating compliance with Ordering Provision 3. |

| VIOLATION SUMMARY CHART: | | |
|--|-------------------------------|--|
| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
| <p>7. Failed to provide disinfection facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use [30 TEX. ADMIN. CODE § 290.42(e)(3)(D)].</p> | | |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

| | | | | | | |
|--------------|----------|-------------|-----------|------------|---------|--|
| DATES | Assigned | 27-May-2008 | Screening | 4-Jun-2008 | EPA Due | |
| | PCW | 25-Sep-2009 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|----------------------|-----------------------------|--------------------|-------|--|--|
| Respondent | South Texas Water Authority | | | | |
| Reg. Ent. Ref. No. | RN102683323 | | | | |
| Facility/Site Region | 14-Corpus Christi | Major/Minor Source | Major | | |

CASE INFORMATION

| | | | |
|---------------------------------|---------------------|-----------------------|---------------------|
| Enf./Case ID No. | 36089 | No. of Violations | 7 |
| Docket No. | 2008-1016-PWS-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Epifanio Villarreal |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5.0% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability 0.0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit 0.0% Enhancement* **Subtotal 6**

| | |
|----------------------------|---------|
| Total EB Amounts | \$460 |
| Approx. Cost of Compliance | \$1,800 |

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 1 | 5% |
| | Other written NOVs | 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% |
| <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) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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 residual disinfectant concentration of at least 0.5 milligrams per liter ("mg/L") chloramine throughout the distribution system at all times. Specifically, at the time of the investigation, it was documented that the chloramine residual in the water transmission line that runs to the 5.0 million gallon ground storage tank at the Kingsville Pump Station was 0.12 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 25% |
| Potential | | x | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 1

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
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] | \$50 | 18-Apr-2008 | 19-Apr-2008 | 0.00 | \$0 | \$50 | \$50 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated for the day when violation occurred.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(II)

Violation Description Failed to maintain a record of the amount of each chemical used each day. Specifically, the Respondent was recording the amount of chemical each day except weekends.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0% |
| Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Major | Moderate | Minor | Percent |
|--------------|---------------|-------|----------|-------|---------|
| | | | | x | |

Matrix Notes 70% of the rule requirement was met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 47

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$11

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
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 | \$200 | 18-Apr-2008 | 1-Jan-2009 | 0.71 | \$7 | n/a | \$7 |
| 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: The delayed costs include the amount to develop and keep on file a daily chemical usage record, 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 | | | | 0.00 | \$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:

Approx. Cost of Compliance \$200

TOTAL \$7

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections.

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 | | | 25% |

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

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 47

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$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 for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$263

This violation Final Assessed Penalty (adjusted for limits) \$263

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
Media Public Water Supply
Violation No. 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 | \$300 | 18-Apr-2008 | 1-Jan-2009 | 0.71 | \$11 | n/a | \$11 |
| 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

The delayed costs include the amount to develop and keep on file an up-to-date chemical and microbiological monitoring plan, 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 | | | | 0.00 | \$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

Approx. Cost of Compliance

\$300

TOTAL

\$11

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to inspect the interior surface of the water system's pressure tanks every five years.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 50% |
| Potential | x | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

Failure to inspect the system's pressure tanks could compromise the integrity of the water system and result in the exposure of customers to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 6 1827 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$3,000

Six single events (one event per tank) are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$750

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes The Respondent achieved compliance on May 14, 2008.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$389

Violation Final Penalty Total \$2,400

This violation Final Assessed Penalty (adjusted for limits) \$2,400

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
Media Public Water Supply
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$300 | 18-Apr-2003 | 18-Apr-2008 | 5.92 | \$89 | \$300 | \$389 |

Notes for AVOIDED costs

The avoided costs include the amount to perform the interior surface inspection of the system's pressure tanks (\$50 per tank), calculated five years preceding the investigation.

Approx. Cost of Compliance \$300

TOTAL \$389

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(2)

Violation Description Failed to provide all water system's pressure tanks with an easily readable pressure gauge. Specifically, at the time of the investigation, it was documented that two pressure tanks located at the Bishop Pump Station and three pressure tanks located at the Central Pump Station were connected to a single pressure gauge at each site.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 25% |
| | Potential | | x | | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0% |

Matrix Notes Failure to provide pressure tanks with a pressure gauge would not allow the operator to make necessary adjustments to ensure the system is operating at the design pressure. As a result, customers could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 5 25 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$1,250

Five single events (one per tank) are recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$312

| | |
|---------------|---------------|
| Extraordinary | |
| Ordinary | x |
| N/A | (mark with x) |

Notes The Respondent achieved compliance on May 13, 2008.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,001

This violation Final Assessed Penalty (adjusted for limits) \$1,001

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
Media Public Water Supply
Violation No. 5

| 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 | \$400 | 18-Apr-2008 | 13-May-2008 | 0.07 | \$0 | \$2 | \$2 |
| 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: The delayed costs include the amount to provide all water system's pressure tanks at the Bishop and Central pump stations with an easily readable pressure gauge, 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 | | | | 0.00 | \$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:

Approx. Cost of Compliance \$400

TOTAL \$2

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide all water system's storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the water level indicator for the Driscoll ground storage tank was not functional.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 10% |
| | Potential | | | x | |

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0% |

Matrix Notes Failure to have an operable liquid level indicator on the ground storage tank can contribute to inadequate water supply because the operator cannot make the necessary usage and production calculations to ensure a continuous and safe water supply.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 19

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$25

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | x | |
| N/A | | (mark with x) |

Notes The Respondent achieved compliance on May 7, 2008.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
Media Public Water Supply
Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | \$250 | 18-Apr-2008 | 7-May-2008 | 0.05 | \$0 | \$1 | \$1 |
| 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

The delayed costs include the amount to equip the Driscoll ground storage tank with a liquid level indicator, 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 | | | | 0.00 | \$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

Approx. Cost of Compliance

\$250

TOTAL

\$1

Screening Date 4-Jun-2008

Docket No. 2008-1016-PWS-E

PCW

Respondent South Texas Water Authority

Policy Revision 2 (September 2002)

Case ID No. 36089

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102683323

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(3)(D)

Violation Description Failed to provide disinfection facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use. Specifically, at the time of the investigation, it was documented that the scales for the gas chlorine cylinders at the Kingsville and Bishop West Pump Station were not functioning.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual/Potential), Harm (Major/Moderate/Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Table for Violation Events with columns for frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and number of violation days (2, 5).

Violation Base Penalty \$500

Two quarterly events (one event per site) are recommended from the date of the investigation, April 18, 2008, to the date of compliance, April 23, 2008.

Good Faith Efforts to Comply

25.0% Reduction

\$125

Table for Good Faith Efforts to Comply with columns: Before NOV, NOV to EDPRP/Settlement Offer.

Notes The Respondent achieved compliance on April 23, 2008.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$400

This violation Final Assessed Penalty (adjusted for limits) \$400

Economic Benefit Worksheet

Respondent South Texas Water Authority
Case ID No. 36089
Reg. Ent. Reference No. RN102683323
Media Public Water Supply
Violation No. 7

| 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 | \$300 | 18-Apr-2008 | 23-Apr-2008 | 0.01 | \$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 The delayed costs include the amount to repair or replace the scales for the gas chlorine cylinders at the Kingsville and Bishop West pump station, 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 | | | | 0.00 | \$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

| | | | |
|--|--|--------------|-----|
| Approx. Cost of Compliance \$300 | | TOTAL | \$0 |
|--|--|--------------|-----|

Compliance History

| | | | |
|---|--|-----------------|--------------|
| Customer/Respondent/Owner-Operator: | CN600638589 South Texas Water Authority | Classification: | Rating: |
| Regulated Entity: | RN102683323 SOUTH TEXAS WATER AUTHORITY | Classification: | Site Rating: |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY REGISTRATION | | 1370035 |
| | WATER LICENSING LICENSE | | 1370035 |
| Location: | 1 MILE W OF HWY 77 AND CR 2010 KLEBERG COUNTY, TX | | |
| TCEQ Region: | REGION 14 - CORPUS CHRISTI | | |
| Date Compliance History Prepared: | June 06, 2008 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | June 06, 2003 to June 06, 2008 | | |

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

Name: Yuliya Dunaway Phone: 210-403-4077

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? | Yes |
| 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 | 12/02/2004 | (342742) | |
| 2 | 12/17/2006 | (350590) | |
| 3 | 05/20/2008 | (657086) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|---|----------|-----------------------|
| Date: | 12/03/2004 | (342742) | |
| Self Report? | NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G) 30 TAC Chapter 290, SubChapter D 290.46(d) 30 TAC Chapter 290, SubChapter D 290.46(d)(1) 30 TAC Chapter 290, SubChapter D 290.46(d)(2) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A) 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B) 30 TAC Chapter 290, SubChapter D 290.46(f)(1) 30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i) 30 TAC Chapter 290, SubChapter F 290.110(b) 30 TAC Chapter 290, SubChapter F 290.110(b)(2) 30 TAC Chapter 290, SubChapter F 290.110(b)(4) 30 TAC Chapter 290, SubChapter F 290.110(c) 30 TAC Chapter 290, SubChapter F 290.110(c)(2) | | |

30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)

Description: Failure to maintain a minimum chlorine residual of 0.5 mg/l.

- 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
SOUTH TEXAS WATER
AUTHORITY;
RN102683323

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1016-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding South Texas Water Authority ("STWA") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and STWA, appear before the Commission and together stipulate that:

1. STWA owns and operates a wholesale water supply system with a location one mile west of the intersection of Highway 77 and County Road 2010, Kingsville, Kleberg County, Texas (the "Facility"). STWA provides water to nine public water systems.
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 and TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and STWA agree that the Commission has jurisdiction to enter this Agreed Order, and that STWA is subject to the Commission's jurisdiction.
4. STWA received notice of the violations alleged in Section II ("Allegations") on or about May 25, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by STWA of any violation alleged in Section II ("Allegations"), nor of any statute or rule. The foregoing stipulations are made for the purpose of this proceeding only, and for no other purpose or proceeding.

6. An administrative penalty in the amount of four thousand four hundred fifty-five dollars (\$4,455.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). STWA paid four thousand four hundred fifty-five dollars (\$4,455.00) of the administrative penalty.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and STWA agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that STWA implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Conducted an inspection of the interior surface of all water system pressure tanks as of May 14, 2008;
 - b. Installed pressure gauges at the Bishop Pump Station and the Central Pump Station such that all tanks were connected to a single pressure gauge as of May 13, 2008;
 - c. Replaced the gas chlorine scales at the Kingsville and Bishop West Pump Station on April 23, 2008;
 - d. Developed and provided the TCEQ with a water system monitoring plan as of September 21, 2009; and
 - e. Provided a water level indicator for the Driscoll ground storage tank as of May 7, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that STWA has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on April 18, 2008, a TCEQ Corpus Christi Regional Office investigator documented that South Texas Water Authority violated:

- a. 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to maintain a residual disinfectant concentration of at least 0.5 milligrams per liter (“mg/L”) chloramine throughout the distribution system at all times. Specifically, at the time of the investigation, it was documented that the chloramine residual in the water distribution line that runs to the 5.0 million gallon ground storage tank at the Kingsville Pump Station was 0.12 mg/L. It was also documented at a subsequent investigation on July 1, 2008, that the chloramine residual in the water distribution line was less than 0.5mg/L.
- b. 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II) by failing to maintain a record of the amount of chemical used each day.
- c. 30 TEX. ADMIN. CODE § 290.121(a) by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections.
- d. 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) by failing to inspect the interior surface of the water system’s pressure tanks every five years.
- e. 30 TEX. ADMIN. CODE § 290.43(d)(2) by failing to provide all water system’s pressure tanks with an easily readable pressure gauge. Specifically, at the time of the investigation, it was documented that two pressure tanks located at the Bishop Pump Station and three pressure tanks located at the Central Pump Station were connected to a single pressure gauge at each site.
- f. 30 TEX. ADMIN. CODE § 290.43(c)(4) by failing to provide all water system’s storage tanks with a liquid level indicator located at the tank site. Specifically, at the time of the investigation, it was documented that the water level indicator for the Driscoll ground storage tank was not functional.
- g. 30 TEX. ADMIN. CODE § 290.42(e)(3)(D) by failing to provide disinfection facilities for determining the amount of disinfectant used daily as well as the amount of disinfectant remaining for use. Specifically, at the time of the investigation, it was documented that the scales for the gas chlorine cylinders at the Kingsville and Bishop West Pump Station were not functioning.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that STWA pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and STWA's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: South Texas Water Authority, Docket No. 2008-1016-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. STWA shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, STWA shall begin compiling and maintaining properly completed monthly water works operation reports and maintenance records, including but not limited to a record of the amount of each chemical used each day, as required by 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 45 days after the effective date of this Agreed Order, STWA shall submit written certification of compliance as described below in paragraph 2.e. below, that demonstrates compliance with the Ordering Provision in paragraph 2.a. above.
 - c. Within 365 days after the effective date of this Agreed Order, STWA shall ensure all mechanical disinfection facilities are capable of maintaining a free chlorine residual of 0.2 mg/l or a chloramine residual of 0.5 mg/L throughout the distribution system, as required by 30 TEX. ADMIN. CODE §§ 290.46 and 290.110.
 - d. Within 375 days after the effective date of the Commission Order, South Texas Water Authority shall submit written certification as described below in Ordering Provision

paragraph 2.e. below that demonstrates compliance with the Ordering Provision in paragraph 2.c. above.

- e. The certifications required by ordering provisions 2.b. and 2.d. shall include detailed supporting documentation including photographs, receipts, and/or other records. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon STWA. STWA 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.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by STWA shall be made in writing to the Executive Director. Extensions are not effective until STWA receives written

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against STWA in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to STWA, or three days after the date on which the Commission mails notice of this Agreed Order to STWA, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Regan Perdue

For the Executive Director

12/22/09

Date

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

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

Carola G. Serrato

Signature

11-12-09

Date

Carola G. Serrato

Name (Printed or typed)

Executive Director

Title

Authorized representative of
South Texas Water Authority