

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1283-MLM-E **TCEQ ID:** RN102698719, RN102698115 **CASE NO.:** 40096

RESPONDENT NAME: Webb County

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 checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> UTILITIES
<p>SITE WHERE VIOLATION(S) OCCURRED: Webb County Water Utilities, 515 Martha Drive, Laredo, Webb County</p> <p>TYPE OF OPERATION: Water utility and public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 11, 2011. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: The Honorable Danny Valdez, County Judge, Webb County, P.O. Box 29, Laredo, Texas 78042 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 19 and 20, 2010</p> <p>Date of NOV/NOE Relating to this Case: July 2, 2010 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine in each finished water storage tank and throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(2) and (4)].</p> <p>2) Failed to maintain all of the Facility's operating records and make those records accessible for review during an inspection [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(vi), and (f)(3)(E)(iv)].</p> <p>3) Failed to properly complete the surface water monthly operating reports ("SWMORs") submitted to the Commission [30 TEX. ADMIN. CODE § 290.111(h)].</p> <p>4) Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a) and (b)(4)].</p> <p>5) Failed to enclose all water storage tanks within an intruder-resistant fence [30 TEX. ADMIN. CODE § 290.43(e)].</p> <p>6) Failed to perform maintenance practices which will ensure the good working condition of the Facility's equipment [30 TEX. ADMIN. CODE</p>	<p>Total Assessed: \$1,447</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,447</p> <p>Compliance History Classification: Person/CN – Average Site/RN – N/A</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This is a Findings Order because the Respondent had one prior order and two prior NOVs with the same violation over the prior five year period.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has completed the following corrective measures:</p> <p>a) On May 20, 2010, the Respondent began maintaining a minimum disinfectant residual of 0.5 mg/L total chlorine in each finished water storage tank and throughout the distribution system at all times;</p> <p>b) On June 8, 2010, the Respondent had the on-line turbidimeters and pH meters repaired and/or calibrated;</p> <p>c) As of June 23, 2010, began maintaining the customer service agreements and inspection reports and the backflow prevention device inspection reports and made the agreements and reports available to Commission personnel;</p> <p>d) On June 28, 2010, installed the barbed wire on the fence surrounding the raw water intake structure so that it faces outward at a 45 degree angle;</p> <p>e) On July 9, 2010, added information to the Facility's monitoring plan regarding the laboratories that may be used to analyze samples and submitted a planning report to the Commission that clearly explains how the Facility, which has reached 85% of its capacity, will provide for the expected service demands to the remaining areas within the boundaries of its certificated area; and</p> <p>f) As of August 1, 2010, began properly completing the SWMORs submitted to the Commission.</p>

<p>§ 290.46(m)].</p> <p>7) Failed to submit to the Executive Director a planning report that clearly explains how the Facility, which has reached 85% of its capacity, will provide for the expected service demands to the remaining areas within the boundaries of its certificated area [30 TEX. ADMIN. CODE § 291.93(3) and TEX. WATER CODE § 13.139(d)].</p>		
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Additional ID No(s): PWS ID No. 2400022 and Water Utility ID No. 12704



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	5-Jul-2010	Screening	23-Jul-2010	EPA Due	
	PCW	18-Nov-2010				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	40096	No. of Violations	6
Docket No.	2010-1283-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Public Water Utilities	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** **\$720**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **99.0%** Enhancement **Subtotals 2, 3, & 7** **\$712**

Notes: Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, and three agreed final enforcement orders without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$162**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$204**
 Approx. Cost of Compliance **\$980**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,270**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$1,270**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,334**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$1,334**

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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	3	75%
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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 99%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for four NOVs with same/similar violations, two NOVs with dissimilar violations, and three agreed final enforcement orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 99%

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(2) and (4)

Violation Description

Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine in each finished water storage tank and throughout the distribution system at all times. Specifically, on the initial date of the investigation, the disinfectant residual was measured to be 0.22 mg/L at 1858 Margarita and 0.40 mg/L at the clearwells.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the minimum disinfectant residual could result in customers of the Facility becoming exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended for the date the low residuals were documented.

Good Faith Efforts to Comply

25.0% Reduction

\$62

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

Notes

The Respondent achieved compliance with this violation on May 20, 2010.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$436

This violation Final Assessed Penalty (adjusted for limits) \$436

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
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]	\$200	19-May-2010	20-May-2010	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight that could have prevented or avoided the violation, calculated from the date the minimum disinfectant residual was not met to the date compliance was achieved.

Approx. Cost of Compliance

\$200

TOTAL

\$200

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(B)(vi), and (f)(3)(E)(iv)

Violation Description

Failed to maintain all of the Facility's operating records and make those records accessible for review during an inspection. Specifically, on the date of the investigation, the customer service agreements and inspection reports and the backflow prevention device inspection reports were not available for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 35

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

25.0% Reduction

\$2

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

Notes The Respondent achieved compliance with this violation as of June 23, 2010.

Violation Subtotal \$8

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$18

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

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
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	\$90	19-May-2010	23-Jun-2010	0.10	\$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 cost includes the estimated amount to create a record keeping system to maintain the customer service agreements and inspection reports and the backflow prevention device inspection reports, 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

\$90

TOTAL

\$0

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.111(h)

Violation Description

Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the reports reviewed on the date of the investigation showed discrepancies between the data collected and the data entered into the SWMORs and there were areas within the SWMORs that should have contained data, but instead were left blank due to a computer malfunction.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		X	

Percent 10%

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

74 Number of violation days

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

10.0% Reduction

\$10

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

Notes The Respondent achieved compliance with this violation as of August 1, 2010.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$189

This violation Final Assessed Penalty (adjusted for limits) \$189

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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	\$45	19-May-2010	1-Aug-2010	0.20	\$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 cost includes the estimated amount to create a record keeping system that allows for accurate and complete recordation of all data required for the SWMORs, 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 \$45

TOTAL \$0

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)(4)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan. Specifically, on the date of the investigation, the Facility's monitoring plan did not contain complete information on the laboratories that may be used to analyze samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

51 Number of violation days

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

10.0% Reduction

\$1

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

Notes

The Respondent achieved compliance with this violation as of July 9, 2010.

Violation Subtotal \$9

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$19

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

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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)	\$45	19-May-2010	9-Jul-2010	0.14	\$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 cost includes the estimated amount to update the Facility's monitoring plan, 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

\$45

TOTAL

\$0

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.43(e)

Violation Description

Failed to enclose all water storage tanks within an intruder-resistant fence, which includes a fence at least six feet in height that has three strands of barbed wire extending outward from the top of the fence at a 45 degree angle. Specifically, on the date of the investigation, the fence enclosing the raw water intake structure was found to have the barbed wire installed inward from the top of the fence at a 45 degree angle.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Inward facing barbed wire could allow trespassers easier access to the water storage tank. This could result in customers of the Facility being exposed to insignificant amounts of contaminants, which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

40 Number of violation days

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 with this violation as of June 28, 2010.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$174

This violation Final Assessed Penalty (adjusted for limits) \$174

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$100	19-May-2010	28-Jun-2010	0.11	\$0	\$1	\$1
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 cost includes the amount to reinstall the barbed wire at the top of the fence surrounding the raw water intake structure so that it angles outward in the proper manner, 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
 (Empty box for notes)

Approx. Cost of Compliance \$100 **TOTAL** \$1

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

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

Violation Description

Failed to perform maintenance practices which will ensure the good working condition of the Facility's equipment. Specifically, on the date of the investigation, it was noted that the on-line turbidimeters were off-line for short periods of time and there were problems noted with the calibration of the on-line turbidimeters and pH meters.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without properly operating equipment, the Facility may not be able to make the necessary calculations and modifications for treatment and disinfection. This could result in customers of the water system being exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

20 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, May 19, 2010, to the date of compliance, June 8, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$62

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

Notes The Respondent achieved compliance with this violation as of June 8, 2010.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$436

This violation Final Assessed Penalty (adjusted for limits) \$436

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Req. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	19-May-2010	8-Jun-2010	0.05	\$0	\$2	\$2
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 cost includes the estimated amount to repair, modify, and/or calibrate the turbidimeter and pH meters to ensure proper operation, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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

\$500

TOTAL

\$2



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Jul-2010	Screening	23-Jul-2010	EPA Due	
	PCW	18-Nov-2010				

RESPONDENT/FACILITY INFORMATION	
Respondent	Webb County
Reg. Ent. Ref. No.	RN102698115
Facility/Site Region	16-Laredo
Major/Minor Source	Major

CASE INFORMATION				
Enf./Case ID No.	40096	No. of Violations	1	
Docket No.	2010-1283-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Utilities	Government/Non-Profit	Yes	
Multi-Media	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz	
		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$125
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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	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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	\$12
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2; Approx. Cost of Compliance: \$200; *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$113
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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: \$113

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$113
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$113
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Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698115

Media [Statute] Public Water Utilities

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	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) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 23-Jul-2010

Docket No. 2010-1283-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 40096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102698115

Media [Statute] Public Water Utilities

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 291.93(3) and Tex. Water Code § 13.139(d)

Violation Description

Failed to submit to the Executive Director a planning report that clearly explains how the Facility, which has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certificated area. Specifically, the Rio Bravo elevated storage tank has reached 91% of its capacity and the Respondent has not submitted a report to the Commission.

Base Penalty \$500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$375

\$125

Violation Events

Number of Violation Events 1

65 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$125

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$12

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

Notes The Respondent achieved compliance with this violation as of July 9, 2010.

Violation Subtotal \$113

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$113

This violation Final Assessed Penalty (adjusted for limits) \$113

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 40096
Reg. Ent. Reference No. RN102698115
Media Public Water Utilities
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	19-May-2010	9-Jul-2010	0.14	\$0	\$2	\$2
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 cost includes the estimated amount to prepare and submit a report to the Executive Director that entails how the Respondent will expect to meet its future service demands, 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

\$200

TOTAL

\$2

Compliance History Report

Customer/Respondent/Owner-Operator: CN600612758 Webb County Classification: AVERAGE Rating: 6.60
Regulated Entity: RN102698719 WEBB COUNTY Classification: Site Rating:
WATER UTILITIES
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400022
WATER LICENSING LICENSE 2400022
Location: 515 MARTHA DR, LAREDO, WEBB COUNTY, TX
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prepared: July 25, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 25, 2005 to July 25, 2010
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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator 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: 02/08/2008 ADMINORDER 2003-0051-MLM-E
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") during the third quarter of 2004 based on a running annual average.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to comply with the MCL for haloacetic acids (five) ("HAA5") during the third quarter of 2004 based on a running annual average.

Effective Date: 09/22/2008 ADMINORDER 2007-1035-PWS-E
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to maintain a disinfectant residual of 0.5 mg/L total chlorine throughout the entire distribution at all times. Specifically, on April 13, 2006, the total chlorine levels were measured to be 0.38 mg/L at the Rio Bravo elevated tank, 0.26 mg/L at 1015 Paseo de Tibre, and 0.02 mg/L at the El Cenizo elevated tank; and on April 16, 2007, the El Cenizo elevated tank total chlorine level was measured to be 0.14 mg/L.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failure to provide secondary containment for liquid chemical storage tanks. Specifically, at the time of the investigation, there was no secondary containment provided for the phosphoric acid drums.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to provide American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") certification for all chemicals used as direct or indirect additives. Specifically, the water supply could not provide ANSI/NSF certification for the silica sand and phosphoric acid UV cleaner.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)
Description: Failure to properly calibrate the laboratory equipment used for compliance testing. Specifically, on the date of the initial investigation on April 13, 2007, all instrumentation requiring calibration every 90 days, with the exception of the online pH meters, had last been calibrated on January 4, 2007. Additionally, the online pH meters and the online and benchtop chlorine and turbidity meters had no records of primary or secondary calibration on the date of the initial investigation.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(5)
30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence around all water system facilities and equipment. Specifically, there was no fence containing the raw water diesel pump or the above-ground raw water transmission line, the fencing that was in place at raw water station was in disrepair, and there was excessive vegetation covering the fence around the Rio Bravo elevated tank.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, the standpipe was noted to have holes in the roof and hatch and was not water tight, the roof hatch on the El Cenizo elevated tank was not closed and locked, the aircraft light on the top of the Rio Bravo elevated tank was broken, and screens placed inside the overflow flaps of the two elevated tanks were seyerley rusted.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(B)
30 TAC Chapter 290, SubChapter F 290.110(e)(2)
Description: Failure to submit accurate and complete Monthly Operational Reports for Surface Water Treatment Plants to the Commission. Specifically, the reports submitted for May 2006 through April 2007 contained inaccurate raw water pump data and individual filter effluent readings, and the water supply reported averages for chlorine, temperature, and pH instead of values recorded during times of peak flow-through.

Effective Date: 10/31/2009 ADMINORDER 2009-0818-PWS-E
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2009.

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	07/28/2005	(401112)
2	08/24/2006	(509929)
3	03/27/2007	(555093)
4	05/30/2007	(562293)
5	04/10/2008	(637777)
6	07/21/2008	(684623)
7	01/16/2009	(744203)
8	03/30/2009	(744882)
9	05/14/2009	(745502)
10	05/28/2009	(735939)
11	05/29/2009	(737532)
12	07/02/2010	(824259)

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

Date: 07/26/2005 (401112) CN600612758
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: Failure to maintain a minimum of 0.2 mg/L free chlorine residual in each finished water storage tank and throughout the distribution.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)
Description: Failure to properly calibrate laboratory equipment used for compliance testing.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(4)
Description: Failure by a water system that serves fewer than 10,000 people to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes.

Date: 08/25/2006 (509929) CN600612758
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)
Description: Failure to properly calibrate laboratory equipment used for compliance testing.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(2)
Description: Failure to report the continuous individual filter monitoring data as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(5)(B)
Description: Failure to conduct grab sampling every four hours in lieu of continuous individual filter monitoring and for no more than 14 working days following the failure of the online equipment.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)
30 TAC Chapter 290, SubChapter F 290.122(d)
Description: Failure notify persons served by the system of the failure to monitor and/or report as required.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to maintain an accurate and up-to-date chemical and microbiological monitoring plan. Specifically, the monitoring plan did not accurately reflect the locations at which monitoring was being conducted for turbidity of the combined filter effluent.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the water system's facilities.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure provide a thorough and updated plant operations manual for the operators to review and reference.

Date: 11/13/2008 (721765) CN600612758
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure the good working condition and general appearance of the system's facilities and equipment.

Date: 01/16/2009 (744203) CN600612758
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

Date: 03/30/2009 (744882) CN600612758
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2009.

Date: 05/27/2009 (737532)

CN600612758

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)

Description: Failure to maintain the Recycling Practices Report form and other records pertaining to site-specific recycle practices for treatment plants that recycle.

Self Report? NO

Classification: Moderate

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

Description: Failure to maintain the minimum required disinfectant level in the distribution system at all times.

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

Compliance History Report

Customer/Respondent/Owner-Operator: CN600612758 Webb County Classification: AVERAGE Rating: 6.60
Regulated Entity: RN102698115 WEBB COUNTY Classification: Site Rating:
WATER UTILITIES
ID Number(s): UTILITIES REGISTRATION 12704
Location: 515 MARTHA DR, LAREDO, WEBB COUNTY, TX
TCEQ Region: REGION 16 - LAREDO
Date Compliance History Prepared: July 25, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 25, 2005 to July 25, 2010

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator 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.
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. 7/02/2010 (824259)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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
WEBB COUNTY
RN102698719
RN102698115**

**§
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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2010-1283-MLM-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Webb County (“the Respondent”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a water utility and public water supply at 515 Martha Drive in Laredo, Webb County, Texas (the “Facility”) that has approximately 1,809 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent owns and operates, for compensation, equipment and facilities for the transmission, storage, distribution, sale, or provision of potable water to the public. The Respondent is therefore a water utility and is subject to the jurisdiction of the Commission pursuant to TEX. WATER CODE ch. 13 and 30 TEX. ADMIN. CODE ch. 291.

3. During an investigation conducted on May 19, 2010, TCEQ staff documented that the Respondent did not maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine in each finished water storage tank and throughout the distribution system at all times. Specifically, on the date of the investigation, the disinfectant residual was measured to be 0.22 mg/L at 1858 Margarita and 0.40 mg/L at the clearwells.
4. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not maintain all of the Facility's operating records and make those records accessible for review during an inspection. Specifically, on the date of the investigation the customer service agreements and inspection reports and the backflow prevention device inspection reports were not available for review.
5. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the reports reviewed on the date of the investigation showed discrepancies between the data collected and the data entered into the SWMORs and there were areas within the SWMORs that should have contained data, but instead were left blank due to a computer malfunction.
6. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not maintain an up-to-date chemical and microbiological monitoring plan. Specifically, on the date of the investigation, the Facility's monitoring plan did not contain complete information on the laboratories that may be used to analyze samples.
7. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not enclose all water storage tanks within an intruder-resistant fence, which includes a fence at least six feet in height that has three strands of barbed wire extending outward from the top of the fence at a 45 degree angle. Specifically, on the date of the investigation, the fence enclosing the raw water intake structure was found to have the barbed wire installed inward from the top of the fence at a 45 degree angle.
8. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not perform maintenance practices which will ensure the good working condition of the Facility's equipment. Specifically, on the date of the investigation, it was noted that the on-line turbidimeters were off-line for short periods of time and there were problems noted with the calibration of the on-line turbidimeters and pH meters.
9. During an investigation conducted on May 19 and 20, 2010, TCEQ staff documented that the Respondent did not submit to the Executive Director a planning report that clearly explains how the Facility, which has reached 85% of its capacity, will provide for the expected service demands to the remaining areas within the boundaries of its certificated area. Specifically, the Rio Bravo elevated storage tank has reached 91% of its capacity and the Respondent has not submitted a report to the Commission.

10. The Executive Director recognizes that the Respondent has completed the following corrective measures:
 - a. On May 20, 2010, the Respondent began maintaining a minimum disinfectant residual of 0.5 mg/L total chlorine in each finished water storage tank and throughout the distribution system at all times;
 - b. On June 8, 2010, the Respondent had the on-line turbidimeters and pH meters repaired and/or calibrated;
 - c. As of June 23, 2010, began maintaining the customer service agreements and inspection reports and the backflow prevention device inspection reports and made the agreements and reports available to Commission personnel;
 - d. On June 28, 2010, installed the barbed wire on the fence surrounding the raw water intake structure so that it faces outward at a 45 degree angle;
 - e. On July 9, 2010, added information to the Facility's monitoring plan regarding the laboratories that may be used to analyze samples and submitted a planning report to the Commission that clearly explains how the Facility, which has reached 85% of its capacity, will provide for the expected service demands to the remaining areas within the boundaries of its certificated area; and
 - f. As of August 1, 2010, began properly completing the SWMORs submitted to the Commission.
11. The Respondent received notice of the violations on July 14, 2010.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 13, and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine in each finished water storage tank and throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(2) and (4).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain all of the Facility's operating records and make those records accessible for review during an inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(vi), and (f)(3)(E)(iv).

4. As evidenced by Findings of Fact No. 5, the Respondent failed to properly complete the SWMORs submitted to the Commission, in violation of 30 TEX. ADMIN. CODE § 290.111(h).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b)(4).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to enclose all water storage tanks within an intruder-resistant fence, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to perform maintenance practices which will ensure the good working condition of the Facility's equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
8. As evidenced by Findings of Fact No. 9, the Respondent failed submit to the Executive Director a planning report that clearly explains how the Facility, which has reached 85% of its capacity, will provide for the expected service demands to the remaining areas within the boundaries of its certificated area, in violation of 30 TEX. ADMIN. CODE § 291.93(3) and TEX. WATER CODE § 13.139(d).
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and TEX. WATER CODE § 13.4151, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Health and Safety Code and the Texas Water Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of One Thousand Four Hundred Forty-Seven Dollars (\$1,447) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Four Hundred Forty-Seven Dollar (\$1,447) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Four Hundred Forty-Seven Dollars (\$1,447) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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

Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Webb County, Docket No. 2010-1283-MLM-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 5/3/2011

I, the undersigned, have read and understand the attached Agreed Order in the matter of Webb County. I am authorized to agree to the attached Agreed Order on behalf of Webb County, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Webb County waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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



Signature

Date January 11, 2011

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

Webb County Judge
Title

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