

Executive Summary – Enforcement Matter – Case No. 44246
City of Cameron
RN101392215
Docket No. 2012-1101-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Cameron, 100 South Houston Avenue, Cameron, Milam County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 14, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,721

Amount Deferred for Expedited Settlement: \$1,744

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$6,977

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 44246
City of Cameron
RN101392215
Docket No. 2012-1101-PWS-E

Investigation Information

Complaint Date(s): February 13, 16, 17, and 18, 2012

Complaint Information: The complainants alleged that the water was brown and had an odor.

Date(s) of Investigation: March 2, 2012

Date(s) of NOE(s): May 12, 2012

Violation Information

1. Failed to issue a boil water notice within 24 hours of documenting a low disinfectant residual using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), and failed to provide a copy of the boil water notice to the Executive Director. Specifically, the Facility did not issue boil water notices within 24 hours of documenting low disinfectant residuals on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012 [30 TEX. ADMIN. CODE § 290.46(q)(1)].

2. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, the Facility failed to operate the disinfectant equipment to continuously maintain a disinfectant residual of 0.2 mg/L on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012. Also, a field test conducted on March 2, 2012, at a hydrant where East 21st Street turns into County Road 227 indicated a free chlorine residual of 0.04 mg/L [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(a) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent posted a boil water notice on March 6, 2012.

Technical Requirements:

The Order will require Respondent to:

- a. Immediately, begin operating the disinfectant equipment as to maintain a minimum free chlorine residual of 0.2 mg/L throughout the distribution system at all times;
- b. Within 15 days, update the Facility's operational guidance and conduct employee training to ensure boil water notices are issued in a timely manner; and
- c. Within 75 days, submit written certification demonstrating compliance.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Bridgett Lee, Enforcement Division,
Enforcement Team 2, MC 169, (512) 239-2565; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412.
TCEQ SEP Coordinator: N/A
Respondent: The Honorable Connie Anderle, Mayor, City of Cameron, P.O. Box 833,
Cameron, Texas 76520
Ricky Tow, City Manager, City of Cameron, P.O. Box 833, Cameron, Texas 76520
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 14-May-2012 | Screening | 25-May-2012 | EPA Due | |
| | PCW | 29-May-2012 | | | | |

| | |
|--|-----------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Cameron |
| Reg. Ent. Ref. No. | RN101392215 |
| Facility/Site Region | 9-Waco |
| Major/Minor Source | Major |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 2 |
| Enf./Case ID No. | 44246 | Order Type | 1660 |
| Docket No. | 2012-1101-PWS-E | Government/Non-Profit | Yes |
| Media Program(s) | Public Water Supply | Enf. Coordinator | Bridgett Lee |
| Multi-Media | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$5,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **71.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,621**

Notes: Enhancement for one NOV with the same/similar violation, three NOVs with dissimilar violations, and three agreed orders containing denials 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** **\$0**

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

| | |
|----------------------------|-------|
| Total EB Amounts | \$617 |
| Approx. Cost of Compliance | \$745 |

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$8,721**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$8,721**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$8,721**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,744**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$6,977**

Screening Date 25-May-2012

Docket No. 2012-1101-PWS-E

PCW

Respondent City of Cameron

Policy Revision 3 (September 2011)

Case ID No. 44246

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101392215

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

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>) | 1 | 5% |
| | Other written NOVs | 3 | 6% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 3 | 60% |
| | 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% |

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) 71%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with the same/similar violation, three NOVs with dissimilar violations, and three agreed orders containing denials of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 71%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 71%

Screening Date 25-May-2012

Docket No. 2012-1101-PWS-E

PCW

Respondent City of Cameron

Policy Revision 3 (September 2011)

Case ID No. 44246

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101392215

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 1

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

Violation Description Failed to issue a boil water notice within 24 hours of documenting a low disinfectant residual using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e), and failed to provide a copy of the boil water notice to the Executive Director. Specifically, the Facility did not issue boil water notices within 24 hours of documenting low disinfectant residuals on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 30.0% |
| Potential | x | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes

Failure to issue a boil water notice may prevent the public from taking the appropriate measures necessary in responding to the delivery of water that may contain contaminants, which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 5 Number of violation days 11

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

Violation Base Penalty \$1,500

Five single events are recommended, for the dates that the boil water notices were initially required on February 1, 5, 8, 16, and 23, 2012.

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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$407

Violation Final Penalty Total \$2,565

This violation Final Assessed Penalty (adjusted for limits) \$2,565

Economic Benefit Worksheet

Respondent City of Cameron
Case ID No. 44246
Req. Ent. Reference No. RN101392215
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 | \$100 | 2-Feb-2012 | 31-Dec-2012 | 0.91 | \$5 | n/a | \$5 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$45 | 2-Feb-2012 | 31-Dec-2012 | 0.91 | \$2 | n/a | \$2 |

Notes for DELAYED costs

The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure boil water notices are issued in a timely manner, as specified in 30 Tex. Admin. Code § 290.47(e), calculated from the date the first boil water notice was due 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] | \$400 | 2-Feb-2012 | 18-Feb-2012 | 0.00 | \$0 | \$400 | \$400 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide boil water notices to all affected customers, calculated for the 24 hour periods of following documentation of the low disinfection residuals, from February 1, 2012 through February 17, 2012 when the boil water notices should have been provided.

Approx. Cost of Compliance

\$545

TOTAL

\$407

Screening Date 25-May-2012

Docket No. 2012-1101-PWS-E

PCW

Respondent City of Cameron

Policy Revision 3 (September 2011)

Case ID No. 44246

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101392215

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 2

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

Violation Description Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, the Facility failed to operate the disinfectant equipment to continuously maintain a disinfectant residual of 0.2 mg/L on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012. Also, a field test conducted on March 2, 2012, at a hydrant where East 21st Street turns into County Road 227 indicated a free chlorine residual of 0.04 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 30.0% |
| Potential | x | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes Failure to maintain adequate disinfection residuals could expose the public to contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 12 Number of violation days 12

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

Violation Base Penalty \$3,600

Twelve single events are 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 \$3,600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$6,156

This violation Final Assessed Penalty (adjusted for limits) \$6,156

Economic Benefit Worksheet

Respondent City of Cameron
Case ID No. 44246
Reg. Ent. Reference No. RN101392215
Media Public Water Supply
Violation No. 2

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

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

Delayed Costs

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

Notes for DELAYED costs

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) | \$200 | 1-Feb-2012 | 2-Mar-2012 | 1.00 | \$10 | \$200 | \$210 |

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight that could have prevented the low disinfectant residual levels, calculated for the date the low residuals were documented.

Approx. Cost of Compliance

\$200

TOTAL

\$210

Compliance History Report

Customer/Respondent/Owner-Operator: CN600344162 CITY OF CAMERON Classification: AVERAGE Rating: 2.61
Regulated Entity: RN101392215 CITY OF CAMERON Classification: AVERAGE Site Rating: 7.43
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1660001
AIR NEW SOURCE PERMITS ACCOUNT NUMBER MM0008F
SLUDGE REGISTRATION 22167
WATER LICENSING LICENSE 1660001
WASTEWATER PERMIT WQ0010004001
Location: 100 S HOUSTON AVE, CAMERON, MILAM COUNTY, TX, 76520
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: May 17, 2012
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: May 17, 2007 to May 17, 2012
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Bridgett Lee Phone: (512) 239 - 2565

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. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

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: 06/05/2008 ADMINORDER 2007-1832-WQ-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Rqmt Prov: Permit Conditions PERMIT

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.

Effective Date: 11/13/2009 ADMINORDER 2009-0755-PWS-E
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a complete plant operations manual.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the flow measuring device.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to provide an intruder-resistant fence in order to protect the surface water treatment plant, ground storage tank at the main plant, South Milam Street below ground storage tank, and 22nd

Street elevated tank.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to maintain the system facilities to insure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide a proper seal on the overflow pipe hinged flap valve on the elevated tank.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)

Description: Failure to monitor the continuously chlorine residual of the water entering the distribution system.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)

Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists.

Effective Date: 07/31/2011 ADMINORDER 2011-0096-PWS-E

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to enclose the surface water treatment plant and water storage facilities with an intruder-resistant fence.

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 09/19/2008 (702033)
- 2 12/09/2008 (709216)
- 3 01/23/2009 (723117)
- 4 05/11/2009 (741347)
- 5 07/22/2009 (745729)
- 6 11/30/2009 (782636)
- 7 05/10/2010 (800351)
- 8 06/11/2010 (802817)
- 9 08/04/2010 (841984)
- 10 10/05/2010 (864664)
- 11 11/17/2010 (877639)
- 12 12/20/2010 (881055)
- 13 10/10/2011 (958345)

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

Date: 07/28/2008 (682918) CN600344162
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Permit Conditions, No. 2g, Pg. 7 PERMIT
Description: Failure to prevent the discharge of wastewater into or adjacent to water in the

state without authorization from the Commission.

Date: 07/20/2009 (745729) CN600344162
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits, No. 1 Pg. 2 PERMIT

Description: Failure to discharge effluent in compliance with permitted effluent limitations.
Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits, No. 2 and 6 Pg. 2 PERMIT
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

Date: 06/15/2010 (802817) CN600344162
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to enclose the surface water treatment plant and water storage facilities
with an intruder-resistant fence.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(B)
Description: Failure to notify and obtain approval for a change to an existing disinfection
process at a surface water treatment plant.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
Description: Failure to staff the water treatment plant with adequately licensed water
operators when in operation.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failure to install backflow prevention assemblies or an air gap at all residences or
establishments where an actual or potential contamination hazard exists.

Date: 03/01/2012 (987681) CN600344162
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a disinfectant residual of at least 0.20 mg/L free chlorine or
0.50 mg/L chlorimine in the distribution system.

- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).+
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CAMERON
RN101392215**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2012-1101-PWS-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Cameron ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a public water supply at 100 South Houston Avenue in Cameron, Milam County, Texas (the "Facility") that has approximately 3,299 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on May 17, 2012.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Eight Thousand Seven Hundred Twenty-One Dollars (\$8,721) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Nine Hundred Seventy-Seven Dollars (\$6,977) of the administrative penalty and One Thousand Seven Hundred Forty-Four Dollars (\$1,744) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
8. The Executive Director recognizes that the Respondent posted a boil water notice on March 6, 2012.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to issue a boil water notice within 24 hours of documenting a low disinfectant residual using the prescribed notification format as specified in 30 TEX. ADMIN. CODE § 290.47(e), and failed to provide a copy of the boil water notice to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on March 2, 2012. Specifically, the Facility did not issue boil water notices within 24 hours of documenting low disinfectant residuals on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012.

2. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(a) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on March 2, 2012. Specifically, the Facility failed to operate the disinfectant equipment to continuously maintain a disinfectant residual of 0.2 mg/L on the following days: February 1, 2, 5, 6, 8, 9, 10, 16, 17, 23, and 24, 2012. Also, a field test conducted on March 2, 2012, at a hydrant where East 21st Street turns into County Road 227 indicated a free chlorine residual of 0.04 mg/L.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Cameron, Docket No. 2012-1101-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of the Agreed Order, begin operating the disinfectant equipment as to maintain a minimum free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.110 and 290.46.
 - b. Within 15 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure boil water notices are issued in a timely manner, as specified in 30 TEX. ADMIN. CODE § 290.47(e).
 - c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b. 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 fines 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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. 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.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 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. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perry Dawkins
For the Executive Director

12/23/12
Date

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

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

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

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

Ricky Tow
Signature

July 19, 2012
Date

Ricky Tow
Name (Printed or typed)
Authorized Representative of
City of Cameron

CITY MANAGER
Title

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