

Executive Summary – Enforcement Matter – Case No. 42645

City of Caddo Mills

RN101383610

Docket No. 2011-1796-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Caddo Mills PWS, 2313 Main Street, Caddo Mills, Hunt 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: None

Texas Register Publication Date: February 17, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,165

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,165

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 - N/A

Major Source: No

Statutory Limit Adjustment: \$194

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42645

City of Caddo Mills

RN101383610

Docket No. 2011-1796-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 12, 2011

Date(s) of NOE(s): September 21, 2011

Violation Information

1. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notification of the MCL exceedance for the month of July 2010 [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d)].
3. Committed an acute MCL violation when six repeat distribution system samples tested coliform-positive following an *Escherichia coli*-positive routine distribution system sample for the month of July 2011 [30 TEX. ADMIN. CODE § 290.109(f)(1)(A)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On October 6, 2011, the Respondent submitted DLQORs for the second quarter of 2010 through the second quarter of 2011.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 10 days:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility; and
 - ii. Begin complying with applicable coliform monitoring requirements, including the collection of all routine distribution samples, and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.
- b. Within 25 days, submit written certification to demonstrate compliance with Ordering Provision a.i.
- c. Within 195 days, submit written certification demonstrating compliance with a.ii.

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City of Caddo Mills

RN101383610

Docket No. 2011-1796-PWS-E

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: Andrea Linson, Enforcement Division,
Enforcement Team 2, MC 169, (512) 239-1482; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Dwayne Pattison, Mayor, City of Caddo Mills, P.O. Box
490, Caddo Mills, Texas 75135

Mike Jump, City Manager, City of Caddo Mills, P.O. Box 490, Caddo Mills, Texas 75135

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Sep-2011	Screening	26-Sep-2011	EPA Due	30-Jun-2011
	PCW	7-Dec-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Caddo Mills
Reg. Ent. Ref. No.	RN101383610
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	3
Enf./Case ID No.	42645	Order Type	Findings
Docket No.	2011-1796-PWS-E	Government/Non-Profit	Yes
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson
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* **\$800**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **22.0%** Enhancement *Subtotals 2, 3, & 7* **\$176**

Notes: Enhancement due to four NOV's with the same/similar violations, and one dissimilar NOV.

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* **\$5**

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

Total EB Amounts: \$447
Approx. Cost of Compliance: \$783
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$971**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$971**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,165**

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 **\$1,165**

Screening Date 26-Sep-2011

Docket No. 2011-1796-PWS-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 42645

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101383610

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

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	1	2%
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) 22%

>> 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 due to four NOVs with the same/similar violations, and one dissimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 26-Sep-2011

Docket No. 2011-1796-PWS-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 42645

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101383610

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the second quarter of 2010 through the second quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	
Less than 30% of the rule requirement was not met.					

Adjustment \$990

\$10

Violation Events

Number of Violation Events 5 Number of violation days 455

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

Violation Base Penalty \$50

Five quarterly events are recommended.

Good Faith Efforts to Comply

10.0% Reduction \$5

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

Notes The Respondent achieved compliance on October 6, 2011.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$56

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent City of Caddo Mills
Case ID No. 42645
Reg. Ent. Reference No. RN101383610
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
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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	12-Sep-2011	6-Oct-2011	0.07	\$0	n/a	\$0
Training/Sampling	\$100	12-Sep-2011	6-Oct-2011	0.07	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$113	10-Jul-2010	6-Oct-2011	1.24	\$7	n/a	\$7

Notes for DELAYED costs

The delayed record keeping and training costs included the estimated amounts to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the submittal of signed and certified quarterly DLQORs, calculated from the record review date to the date of compliance. The other delayed costs include the estimated amount to prepare and submit five quarters of DLQORs, calculated from the date the first report was due 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

\$258

TOTAL

\$7

Screening Date 26-Sep-2011

Docket No. 2011-1796-PWS-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 42645

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101383610

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(c)(2)(A), and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notification of the MCL exceedance for the month of July 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

As a result of the exceedance, customers have been exposed to significant amounts of contaminants which do not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

31 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$230

Violation Final Penalty Total \$305

This violation Final Assessed Penalty (adjusted for limits) \$305

Economic Benefit Worksheet

Respondent City of Caddo Mills
Case ID No. 42645
Reg. Ent. Reference No. RN101383610
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
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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)	\$100	12-Sep-2011	30-Apr-2012	0.63	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner, calculated from the record review date 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]	\$200	1-Jun-2010	30-Jun-2010	0.00	\$0	\$200	\$200
Other (as needed)	\$25	1-Jul-2010	30-Sep-2010	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to provide additional oversight necessary to prevent or avoid the exceedance, calculated for the month the exceedance occurred and the other avoided cost includes the amount necessary to provide public notification, calculated for the time frame the notice should have been provided.

Approx. Cost of Compliance

\$325

TOTAL

\$230

Screening Date 26-Sep-2011

Docket No. 2011-1796-PWS-E

PCW

Respondent City of Caddo Mills

Policy Revision 2 (September 2002)

Case ID No. 42645

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101383610

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.109(f)(1)(A)

Violation Description The Respondent committed an acute MCL violation when six repeat distribution system samples tested coliform-positive following an Escherichia coli-positive routine distribution system sample for the month of July 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	x			50%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes The presence of Escherichia coli bacteria is an indication that the water supply is contaminated with contaminants which exceed levels protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 31

daily	
weekly	
monthly	x
quarterly	
semianual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$500

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x (mark with x)

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$610

This violation Final Assessed Penalty (adjusted for limits) \$610

Economic Benefit Worksheet

Respondent City of Caddo Mills
Case ID No. 42645
Reg. Ent. Reference No. RN101383610
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	1-Jul-2011	31-Jul-2011	1.00	\$10	\$200	\$210
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to provide additional oversight necessary to prevent or avoid the exceedance, calculated for the month the exceedance occurred.

Approx. Cost of Compliance \$200

TOTAL \$210

Compliance History

Customer/Respondent/Owner-Operator: CN600672752 City of Caddo Mills Classification: AVERAGE Rating: 3.32
 Regulated Entity: RN101383610 CITY OF CADDO MILLS PWS Classification: Site Rating:
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1160001
 WATER LICENSING LICENSE 1160001
 Location: 2313 MAIN STREET, CADDO MILLS, HUNT COUNTY, TEXAS
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: September 26, 2011
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 26, 2006 to September 26, 2011
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Andrea Linson Phone: (512) 239-1482

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 | 02/25/2011 (465314) | 6 | 09/14/2011 (956071) |
| 2 | 02/12/2008 (615290) | 7 | 09/14/2011 (956072) |
| 3 | 09/29/2009 (766241) | 8 | 09/16/2011 (956209) |
| 4 | 09/14/2011 (956065) | 9 | 09/16/2011 (956211) |
| 5 | 09/14/2011 (956069) | 10 | 09/16/2011 (956237) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|-----------------|----------|
| Date: | 02/01/2008 (615290) | CN600672752 | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(k) | | |
| Description: | Failure to compile and maintain current a thorough plant operations manual for operator review and reference. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.121 | | |
| Description: | Failure to develop and maintain an up to date system monitoring plan. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C) | | |
| Description: | Failure to provide the chlorination room with both high level and floor level screened vents. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.44(h)(1) | | |
| Description: | Failure by the regulated entity to prohibit water connection to an establishment where an actual or potential contamination or system hazard exists without an | | |

air gap separation or an approved backflow prevention assembly between the public water facilities and the actual or potential contamination or system hazard.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a legible sign at each of its production, treatment, and storage facilities by each community system.

Date: 07/30/2010 (956066) CN600672752

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 07/2010 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: TCR PN MCL Violation 07/2010 - Failure to post a public notice for exceeding a Maximum Contaminant Level (MCL) Violation.

Date: 07/21/2011 (956211) CN600672752

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(1)(A)
Description: TCR AMCL Violation 07/2011 - System received an Acute Maximum Contaminant Level (AMCL) Violation.

Date: 09/14/2011 (956072) CN600672752

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

Date: 09/14/2011 (956069) CN600672752

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2011.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2011.

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 CADDO MILLS
RN101383610**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1796-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Caddo Mills ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 public water supply at 2313 Main Street in Caddo Mills, Hunt County, Texas (the "Facility") that has approximately 465 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on September 12, 2011, TCEQ staff documented that the Respondent did not timely submit a Disinfectant Level Quarterly Operating Report

("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the second quarter of 2010 through the second quarter of 2011.

3. During a record review conducted on September 12, 2011, TCEQ staff documented that the Respondent did not comply with the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notification of the MCL exceedance for the month of July 2010.
4. During a record review conducted on September 12, 2011, TCEQ staff documented that the Respondent committed an acute MCL violation when six repeat distribution system samples tested coliform-positive following an *Escherichia coli*-positive routine distribution system sample for the month of July 2011.
5. The Respondent received notice of the violations on September 26, 2011.
6. The Executive Director recognizes that on October 6, 2011, the Respondent submitted DLQORs for the second quarter of 2010 through the second quarter of 2011.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL for total coliform and failed to provide public notification of the MCL exceedance for the month of July 2010, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
4. As evidenced by Findings of Fact No. 4, the Respondent committed an acute MCL violation when six repeat distribution system samples tested coliform-positive following an *Escherichia coli*-positive routine distribution system sample for the month of July 2011, in violation of 30 TEX. ADMIN. CODE § 290.109(f)(1)(A).
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand One Hundred Sixty-Five Dollars (\$1,165) 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 One Hundred Sixty-Five Dollar (\$1,165) 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 One Hundred Sixty-Five Dollars (\$1,165) as set forth in Section II, Paragraph 6 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 not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Caddo Mills, Docket No. 2011-1796-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. The Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - ii. Begin complying with applicable coliform monitoring requirements, including the collection of all routine distribution samples, and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting at the Facility.
 - b. Within 25 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i.
 - c. Within 195 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 No. 2.a.ii. 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:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

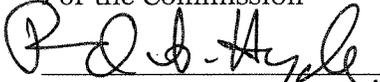
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension 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. 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.
6. 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.

7. 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.
8. 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.
9. 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

3/23/12

Date

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

1-3-2012

Date

Mike Jump

Name (Printed or typed)
Authorized Representative of
City of Caddo Mills

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 III, Paragraph 1 of this Agreed Order.