

Executive Summary – Enforcement Matter – Case No. 42828
City of Eagle Pass Water Works System
RN101387710
Docket No. 2011-1967-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 Eagle Pass SWTP, 859 Jefferson Street, Eagle Pass, Maverick 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: April 20, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,913

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,913

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: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42828
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RN101387710
Docket No. 2011-1967-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 6 through 19, 2011 and September 19, 2011

Date(s) of NOE(s): September 30, 2011

Violation Information

1. Failed to have all customer service inspections conducted by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a Customer Service Inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds current professional certification or endorsement as a Customer Service Inspector [30 TEX. ADMIN. CODE § 290.46(j)(1)].
2. Failed to design the tank's overflow in strict accordance with American Water Works Association ("AWWA") standards such that the overflow terminates with a gravity-hinged and weighted cover that does not have a gap of greater than 1/16th of an inch and failed to maintain the Facility's storage tanks in strict accordance with current AWWA standards [30 TEX. ADMIN. CODE § 290.43(c)(3) and (c)(8)].
3. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.43(m)(4)].
4. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- i. Begin having all customer service inspections conducted by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a Customer Service Inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds a current professional certification or endorsement as a Customer Service Inspector;

Executive Summary – Enforcement Matter – Case No. 42828
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Docket No. 2011-1967-PWS-E

ii. Begin maintaining all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, including but not limited to the repair or replacement of the leaking pump at the Hillcrest location; and

iii. Repair or replace the cover on the overflow of the ground storage tank at the North Loop location so that it does not have a gap greater than 1/16th of an inch.

b. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

c. Within 60 days, begin initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to: removing all overgrown vegetation from the Brown Street location, repairing or replacing the corroded service pump at the North Loop location, repairing or replacing all corroded pipes at the Hillcrest location, and repairing the 1-inch gap between the tank and base on the back side of the ground storage tank at the Industrial Park location.

d. Within 75 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.

e. Within 180 days, begin maintaining the Facility's storage tanks in strict accordance with current AWWA standards, including but not limited to repairing and repainting or replacing the storage tanks at the College Hills, Deer Run, North Loop, Vista Hermosa, Chula Vista, Callejon Teran, Brown Street, Seco Mines, Hillcrest, and Industrial Park locations.

f. Within 195 days, submit written certification demonstrating compliance.

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

Executive Summary – Enforcement Matter – Case No. 42828
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RN101387710
Docket No. 2011-1967-PWS-E

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: Jorge Barrer, General Manager, City of Eagle Pass Water Works System,
P.O. Box 808, Eagle Pass, Texas 78853

Hugo Zapata, President, City of Eagle Pass Water Works System, P.O. Box 808, Eagle
Pass, Texas 78853

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Oct-2011	Screening	17-Oct-2011	EPA Due	
	PCW	24-Oct-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Eagle Pass Water Works System
Reg. Ent. Ref. No.	RN101387710
Facility/Site Region	16-Laredo
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	42828	No. of Violations	4
Docket No.	2011-1967-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Bridgett Lee
		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	\$3,650
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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	62.0% Enhancement	Subtotals 2, 3, & 7 \$2,263

Notes
Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violation, one agreed final enforcement order without denial of liability, and one agreed final enforcement order with a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$7,807
Approx. Cost of Compliance \$59,111
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,913
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$5,913
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,913
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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	\$5,913
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Screening Date 17-Oct-2011

Docket No. 2011-1967-PWS-E

PCW

Respondent City of Eagle Pass Water Works System

Policy Revision 2 (September 2002)

Case ID No. 42828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101387710

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>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 62%

>> 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 three NOVs with same/similar violations, one NOV with dissimilar violation, one agreed final enforcement order without denial of liability, and one agreed final enforcement order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 62%

Screening Date 17-Oct-2011

Docket No. 2011-1967-PWS-E

PCW

Respondent City of Eagle Pass Water Works System

Policy Revision 2 (September 2002)

Case ID No. 42828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101387710

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)(1)

Violation Description

Failed to have all customer service inspections conducted by an individual that is a Plumber-Inspector or Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a customer service inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds a current professional certification or endorsement as a customer service inspector. Specifically, at the time of the investigation conducted from January 6 through 19, 2011, and at the time of the record review conducted on September 19, 2011, customer service inspections were being performed by an individual without the required license.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 50%

>> Programmatic Matrix

Matrix Notes

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Failing to have all customer service inspections conducted by a licensed individual may not allow for the proper identification and prevention of an actual or potential connection between a drinking water supply source and a possible source of contamination. As a result, customers of the Facility could be exposed to a significant amount of contaminants, which would exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$500

One monthly event is recommended from the record review date, September 19, 2011 to the screening date, October 17, 2011.

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 \$120

Violation Final Penalty Total \$810

This violation Final Assessed Penalty (adjusted for limits) \$810

Economic Benefit Worksheet

Respondent: City of Eagle Pass Water Works System
Case ID No.: 42828
Reg. Ent. Reference No.: RN101387710
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
<small>No. columns on 5</small>							

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]	\$111	6-Jan-2011	17-Oct-2011	1.70	\$9	\$111	\$120
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the actual amount to obtain a customer service inspection license, calculated from the date the violation was initially documented to the screening date.

Approx. Cost of Compliance

\$111

TOTAL

\$120

Screening Date 17-Oct-2011

Docket No. 2011-1967-PWS-E

PCW

Respondent City of Eagle Pass Water Works System

Policy Revision 2 (September 2002)

Case ID No. 42828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101387710

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(3) and (c)(8)

Violation Description

Failed to design the tank's overflow in strict accordance with American Water Works Association ("AWWA") standards such that the overflow terminates with a gravity-hinged and weighted cover that does not have a gap of greater than 1/16th of an inch and failed to maintain the Facility's storage tanks in strict accordance with current AWWA standards. Specifically, at the time of the investigation conducted from January 6 through 19, 2011, and at the time of the record review conducted on September 19, 2011, it was noted that the overflow cover on the ground storage tank at the North Loop location did not have a gap of less than 1/16th of an inch and that the various elevated and ground storage tanks at the College Hills, Deer Run, North Loop, Vista Hermosa, Chula Vista, Callejon Teran, Brown Street, Seco Mines, Hillcrest, and Industrial Park locations had areas of pitting, corrosion, rust, and faded paint.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor

Percent 0%

Failure to design and maintain storage tanks in accordance with AWWA standards could allow the customers of the Facility to be exposed to a significant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 10 28 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

Ten quarterly events are recommended (one event per tank location).

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,655

Violation Final Penalty Total \$4,050

This violation Final Assessed Penalty (adjusted for limits) \$4,050

Economic Benefit Worksheet

Respondent City of Eagle Pass Water Works System
Case ID No. 42828
Reg. Ent. Reference No. RN101387710
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)	\$50,000	6-Jan-2011	30-Nov-2012	1.90	\$317	\$6,338	\$6,655
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, refurbish and repaint all tanks so that they meet AWWA requirements and specifications, calculated from the date the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$6,655

Screening Date 17-Oct-2011

Docket No. 2011-1967-PWS-E

PCW

Respondent City of Eagle Pass Water Works System

Policy Revision 2 (September 2002)

Case ID No. 42828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101387710

Media (Statute) Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §.290.43(n)(4)

Violation Description

Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the investigation conducted from January 6 through 19, 2011, and at the time of the record review conducted on September 19, 2011, a leaking pump was observed at the Hillcrest pump station.

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 facility in a watertight condition could allow the customers of the facility to be exposed to a significant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

28 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 record review, September 19, 2011, to the date of screening, October 17, 2011.

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 \$165

Violation Final Penalty Total \$405

This violation Final Assessed Penalty (adjusted for limits) \$405

Economic Benefit Worksheet

Respondent City of Eagle Pass Water Works System
Case ID No. 42828
Reg. Ent. Reference No. RN101387710
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	6-Jan-2011	31-Jul-2012	1.57	\$8	\$157	\$165
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 the leaking pump at the Hillcrest location, calculated from the date the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$165

Screening Date 17-Oct-2011

Docket No. 2011-1967-PWS-E

PCW

Respondent City of Eagle Pass Water Works System

Policy Revision 2 (September 2002)

Case ID No. 42828

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101387710

Media [Statute] Public Water Supply

Enf. Coordinator Bridgett Lee

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, at the time of the investigation conducted from January 6 through 19, 2011, and at the time of the record review conducted on September 19, 2011, it was documented that excessive vegetation was present at the Brown Street location, a corroded service pump was noted at the North Loop location, corroded pipes were observed at the Hillcrest location, and a 1-inch gap was observed between the tank and base on the back side of the ground storage tank at the Industrial Park location.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential			X	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility and its equipment could expose the customers to an insignificant amount of contaminants, which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4 Number of violation days 28

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

Violation Base Penalty \$400

Four single events are recommended (one event per location).

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 \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$867

Violation Final Penalty Total \$648

This violation Final Assessed Penalty (adjusted for limits) \$648

Economic Benefit Worksheet

Respondent City of Eagle Pass Water Works System
Case ID No. 42828
Req. Ent. Reference No. RN101387710
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$7,500	6-Jan-2011	31-Aug-2012	1.65	\$41	\$826	\$867
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	N/A	\$0
Record Keeping System				0.00	\$0	N/A	\$0
Training/Sampling				0.00	\$0	N/A	\$0
Remediation/Disposal				0.00	\$0	N/A	\$0
Permit Costs				0.00	\$0	N/A	\$0
Other (as needed)				0.00	\$0	N/A	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to refurbish or replace the service pump, corroded pipes, and tank base at the various locations, and to remove the excess vegetation at the Brown Street location, calculated from the date the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,500

TOTAL

\$867

Compliance History

Customer/Respondent/Owner-Operator: CN602520165 City of Eagle Pass Water Works System Classification: AVERAGE Rating: 0.65

Regulated Entity: RN101387710 CITY OF EAGLE PASS SWTP Classification: Site Rating:

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1620001
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1620001
WATER LICENSING	LICENSE	1620001

Location: 859 JEFFERSON ST, EAGLE PASS, MAVERICK COUNTY, TX

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: October 17, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 17, 2006 to October 17, 2011

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. 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: 04/26/2007 ADMINORDER 2006-1712-PWS-E
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Failure to maintain a minimum of 0.5 milligrams per liter total chlorine residual in each finished water storage tank and throughout the distribution system at all times.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
5A THC Chapter 341, SubChapter A 341.0315(c)
- Description: Failure to provide a treatment plant capacity of 0.6 gallons per minute per connection under normal rated design flow at the City of Eagle Pass and the City of Eagle Pass Water Works South Plant facilities.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
- Description: Failure to conduct annual storage tank inspections on two 0.5 million gallon steel clearwell tanks and one 0.24 million gallon concrete clearwell tank at the City of Eagle Pass facility.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
- Description: Failure to submit the schematic of the hydraulic flow in the distribution system to the TCEQ upon request to determine compliance with capacity requirements for each pressure plane, and failure to maintain pressure records required by the in-line booster pump exception from the TCEQ at the City of Eagle Pass facility.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
- Description: Failure to provide a proper liquid level indicator that is calibrated in feet of water for the Seco elevated storage tank in the City of Eagle Pass facility and for all water storage tanks, including the Pueblo Nuevo, Chula Vista, and El Indio storage tanks at the City of Eagle Pass Water Works South Plant facility.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failed to provide increased pressure by means of booster pumps taking suction from the storage tanks or obtain an exception by acquiring plan approval by the Executive Director for booster pumps taking suction from the distribution lines.

Classification: Moderate

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

Description: Failed to use an approved chemical or media for the disinfection of potable water that conforms to the ANSI/NSF standards.

Classification: Moderate

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

Description: Failed to continuously record the disinfectant residual of the water entering the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failed to submit properly completed SWMORs to the Commission.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)(11)

30 TAC Chapter 290, SubChapter F 290.111(h)(7)

Description: Failed to submit the MMOR by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(3)

Description: Failed to notify the Executive Director in writing as to the completion of the UF Membrane Plant and attest to the fact that the completed work is substantially in accordance with the plans on file with the Commission.

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 08/13/2007 (570831)
- 2 10/15/2007 (597966)
- 3 10/28/2007 (598024)
- 4 04/30/2008 (639219)
- 5 12/05/2008 (710053)
- 6 02/25/2009 (710270)
- 7 04/08/2010 (798478)
- 8 05/28/2010 (824246)
- 9 12/14/2010 (877799)
- 10 02/22/2011 (899400)
- 11 05/25/2011 (921032)
- 12 09/30/2011 (957354)

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

Date: 08/13/2007 (570831)

CN602520165

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: Failure to submit additional documentation as required to determine compliance.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failed to provide increased pressure by means of booster pumps taking suction from the storage tanks or obtain an exception by acquiring plan approval by the Executive Director for booster pumps taking suction from the distribution lines.

Self Report? NO

Classification: Minor

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

Description: Failure to provide ANSI/NSF certification for all chemicals used in the treatment of drinking water. All chemicals and any additional or replacement process media used in treatment of water supplied by public water systems must conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for direct additives and ANSI/NSF Standard 61 for indirect additives.

Self Report? NO Classification: Minor

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

Description: Failure to provide maintenance to ensure the good working condition and general appearance of the system's facilities and equipment.

Date: 04/30/2008 (639219) CN602520165

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(2)

Description: Failed to provide increased pressure by means of booster pumps taking suction from the storage tanks or obtain an exception by acquiring plan approval by the Executive Director for booster pumps taking suction from the distribution lines.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to test all backflow prevention assemblies upon installation and annually by a recognized backflow prevention assembly tester.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan and have the plan approved by the executive director.

Self Report? NO Classification: Minor

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

Description: Failure to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)

Description: Failure to report the disinfectant residual entering the distribution as recorded by the continuous online monitor at the plant.

Self Report? NO Classification: Minor

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: Minor

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

Description: Failure to label every chemical bulk storage facility and day tank to identify the contents and a device that indicates the amount of chemical remaining in the facility or tank.

Date: 05/28/2010 (824246) CN602520165

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)

Description: Failure to notify the executive director prior to making any significant change to the system's treatment facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)

Description: Failure to submit information and conduct monitoring as required by exceptions granted by the executive director.

Self Report? NO Classification: Minor

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

Description: Failure to develop a thorough plant operations manual.

Self Report? NO Classification: Moderate

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

Description: Failure to provide an overflow terminating with a gravity-hinged and weighted cover. Failure to provide an overflow discharge opening above the surface of the ground not subject to submergence.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to maintain storage thoroughly tight against leakage.

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. Failure to maintain the grounds and facilities to prevent conditions that might cause the contamination of the water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)
 Description: Failure to maintain accurate and up-to-date detailed as-built plans or record drawings of the storage tanks and pump specifications in the distribution.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121
 Description: Failure to update the monitoring plan.
 Date: 02/23/2011 (899400) CN602520165

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
 Description: Failure to submit information and conduct monitoring as required by exceptions granted by the executive director.

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. Failure to maintain the grounds and facilities to prevent conditions that might cause the contamination of the water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121
 Description: Failure to update the monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)(1)
 30 TAC Chapter 290, SubChapter D 290.46(j)(1)(A)
 30 TAC Chapter 290, SubChapter D 290.46(j)(1)(B)
 Description: Failure to have customer service investigations completed by an individual recognized as capable of conducting such inspections.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
 Description: Failure to provide two or more pumps at each pump station.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain all water treatment units in a watertight condition.

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 EAGLE PASS WATER
WORKS SYSTEM
RN101387710**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1967-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 City of Eagle Pass Water Works System ("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 859 Jefferson Street in Eagle Pass, Maverick County, Texas (the "Facility") that has approximately 3,361 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted from January 6 through 19, 2011, and during a record review conducted on September 19, 2011, TCEQ staff documented that the Respondent did not have all customer service inspections conducted by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the State Board of

Plumbing Examiners or by a customer service inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds current professional certification or endorsement as a customer service inspector. Specifically, customer service inspections were being performed by an individual without the required license.

3. During an investigation conducted from January 6 through 19, 2011, and during a record review conducted on September 19, 2011, TCEQ staff documented that the Respondent did not design the tank's overflow in strict accordance with American Water Works Association ("AWWA") standards such that the overflow terminates with a gravity-hinged and weighted cover that does not have a gap of greater than 1/16th of an inch and did not maintain the Facility's storage tanks in strict accordance with current AWWA standards. Specifically, the overflow cover on the ground storage tank at the North Loop location did not have a gap of less than 1/16th of an inch and that the various elevated and ground storage tanks at the College Hills, Deer Run, North Loop, Vista Hermosa, Chula Vista, Callejon Teran, Brown Street, Seco Mines, Hillcrest, and Industrial Park locations had areas of pitting, corrosion, rust and faded paint.
4. During an investigation conducted from January 6 through 19, 2011, and during a record review conducted on September 19, 2011, TCEQ staff documented that the Respondent did not maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, a leaking pump was observed at the Hillcrest pump station.
5. During an investigation conducted from January 6 through 19, 2011, and during a record review conducted on September 19, 2011, TCEQ staff documented that the Respondent did not initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, excessive vegetation was present at the Brown Street location, a corroded service pump was noted at the North Loop location, corroded pipes were observed at the Hillcrest location, and a 1-inch gap was observed between the tank and base on the back side of the ground storage tank at the Industrial Park location.
6. The Respondent received notice of the violations on October 5, 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 have all customer service inspections conducted by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a Customer Service Inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds current professional certification or endorsement as a Customer Service Inspector, in violation of 30 TEX. ADMIN. CODE § 290.46(j)(1).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to design the tank's overflow in strict accordance with American Water Works Association ("AWWA") standards such that the overflow terminates with a gravity-hinged and weighted cover that does not have a gap of greater than 1/16th of an inch and failed to maintain the Facility's storage tanks in strict accordance with current AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(3) and (c)(8).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.43(m)(4).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
6. 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.
7. An administrative penalty in the amount of Five Thousand Nine Hundred Thirteen Dollars (\$5,913) 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 Five Thousand Nine Hundred Thirteen Dollar (\$5,913) 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 Five Thousand Nine Hundred Thirteen Dollars (\$5,913) as set forth in Section II, Paragraph 7 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 Eagle Pass Water Works System, Docket No. 2011-1967-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 30 days after the effective date of this Agreed Order:
 - i. Begin having all customer service inspections conducted by an individual that is a Plumber Inspector or Water Supply Protection Specialist licensed by the State Board of Plumbing Examiners or by a customer service inspector who has completed a Commission approved course, passed an examination administered by the Executive Director, and holds a current professional certification or endorsement as a customer service inspector, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Begin maintaining all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, including but not limited to the repair or replacement of the leaking pump at the Hillcrest location, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Repair or replace the cover on the overflow of the ground storage tank at the North Loop location so that it does not have a gap greater than 1/16th of an inch, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 60 days after the effective date of this Agreed Order, begin initiating maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, including but not limited to: removing all overgrown vegetation from the Brown Street location, repairing or replacing the corroded service pump at the North Loop location, repairing or replacing all corroded pipes at the Hillcrest location, and repairing the 1-inch gap between the tank and base on the back side of the ground storage tank at the Industrial Park location, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.

- e. Within 180 days after the effective date of this Agreed Order, begin maintaining the Facility's storage tanks in strict accordance with current AWWA standards, including but not limited to repairing and repainting or replacing the storage tanks at the College Hills, Deer Run, North Loop, Vista Hermosa, Chula Vista, Callejon Teran, Brown Street, Seco Mines, Hillcrest, and Industrial Park locations, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- f. 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.e. 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

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

Pam Davis Jr.
For the Executive Director

6/4/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Eagle Pass Water Works System. I am authorized to agree to the attached Agreed Order on behalf of City of Eagle Pass Water Works System, 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, City of Eagle Pass Water Works System 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.

Jorge Barrera
Signature

2-16-2012
Date

Jorge Barrera
Name (Printed or typed)
Authorized Representative of
City of Eagle Pass Water Works System

General 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.

