

**Executive Summary – Enforcement Matter – Case No. 44508**

**City of La Villa**

**RN101388957**

**Docket No. 2012-1352-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 La Villa, at the intersection of Third and Nogales Streets, La Villa, Hidalgo 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:** December 21, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$5,230

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$5,230

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Poor

Site/RN - Poor

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 44508**

**City of La Villa**

**RN101388957**

**Docket No. 2012-1352-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 21, 2012

**Date(s) of NOE(s):** May 25, 2012

***Violation Information***

1. Failed to report to the Executive Director the results for triennial synthetic organic contaminants (“SOC”) monitoring [30 TEX. ADMIN. CODE § 290.107(e)].
2. Failed to submit Surface Water Monthly Operating Reports (“SWMORs”) to the ED by the tenth day of the month following the end of the reporting period and failed to submit to the ED a copy of the public notice provided to the persons served by the Facility of the failure to submit SWMORs [30 TEX. ADMIN. CODE §§ 290.110(e)(2), and (e)(5), 290.111(h)(2), and (h)(12), and 290.122(f)].
3. Failed to maintain the turbidity level of the combined filter effluent (“CFE”) so as not to exceed 1.0 Nephelometric Turbidity Unit (“NTU”) and failed to submit to the ED a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE [30 TEX. ADMIN. CODE §§ 290.111(e)(1)(A) and 290.122(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to collect routine distribution water samples for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
5. Failed to maintain the turbidity level of the CFE so as not to exceed 0.3 NTU in at least 95% of the samples tested each month and failed to submit to the ED or a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE [30 TEX. ADMIN. CODE §§ 290.111(e)(1)(B) and 290.122(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require Respondent to:

- a. Within 10 days:

**Executive Summary – Enforcement Matter – Case No. 44508**

**City of La Villa**

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**Docket No. 2012-1352-PWS-E**

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 and repeat 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 demonstrating compliance with Ordering Provision a.i.

c. Within 30 days:

i. Begin submitting SWMORs to the ED each month by the tenth day of the month following the end of each month. This provision will be satisfied upon six consecutive months of compliant reporting;

ii. Ensure that all delinquent drinking water chemical analysis results are reported to the ED or demonstrate that a compliance schedule has been established;

iii. Implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the ED within ten days of the ED's request or of their receipt by the Facility, whichever is later; and

iv. Begin maintaining all turbidity levels, including but not limited to the turbidity level of the combined filter effluent below 1.0 NTU and below 0.3 NTU in at least 95% of the tested samples.

d. Within 45 days, submit written certification demonstrating compliance with Ordering Provisions c.ii. through c.iv.

e. Within 195 days, submit written certification demonstrating compliance with Ordering Provision a.ii.

f. Within 225 days, submit written certification demonstrating compliance with Ordering Provision c.i.

***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

**Executive Summary – Enforcement Matter – Case No. 44508**

**City of La Villa**

**RN101388957**

**Docket No. 2012-1352-PWS-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Debra Barber, Enforcement Division, MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Noel Bernal, City Administrator, City of La Villa, P.O. Box 60, La Villa, Texas 78562

The Honorable Hector Elizondo, Mayor, City of La Villa, P.O. Box 60, La Villa, Texas 78562

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	18-Jun-2012	<b>Screening</b>	19-Jun-2012	<b>EPA Due</b>	30-Jun-2012
	<b>PCW</b>	19-Jun-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of La Villa	
<b>Reg. Ent. Ref. No.</b>	RN101388957	
<b>Facility/Site Region</b>	15-Harlingen	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	44508	<b>No. of Violations</b>	4
<b>Docket No.</b>	2012-1352-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,500**

Notes: Enhancement for 11 NOVs with same/similar violations, five NOVs with dissimilar violations, one agreed order without a denial of liability, one court order, and Poor Performer classification.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts \$737  
Approx. Cost of Compliance \$868  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,000**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$5,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$5,000**

**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** **\$5,000**

**Screening Date** 19-Jun-2012

**Docket No.** 2012-1352-PWS-E

**PCW**

**Respondent** City of La Villa

Policy Revision 3 (September 2011)

**Case ID No.** 44508

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101388957

**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> )	11	55%
	Other written NOVs	5	10%
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	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> )	1	30%
	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)** 120%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Poor Performer

**Adjustment Percentage (Subtotal 7)** 10%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for 11 NOVs with same/similar violations, five NOVs with dissimilar violations, one agreed order without a denial of liability, one court order, and Poor Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 130%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 100%

Screening Date 19-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 3 (September 2011)

Case ID No. 44508

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101388957

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(2), and (e)(5), 290.111(h)(2), and (h)(12), and 290.122(f)

Violation Description Failed to submit Surface Water Monthly Operating Reports ("SWMORs") to the Executive Director by the tenth day of the month following the end of the reporting period for the months of December 2011 through April 2012 and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to submit SWMORs for the months of December 2011 and January 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 5 Number of violation days 151

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

Violation Base Penalty \$250

Five monthly events are recommended, based on one event for each month an SWMOR was not submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$136

Violation Final Penalty Total \$500

This violation Final Assessed Penalty (adjusted for limits) \$500

# Economic Benefit Worksheet

**Respondent** City of La Villa  
**Case ID No.** 44508  
**Reg. Ent. Reference No.** RN101388957  
**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
<i>No commas or \$</i>							

**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	21-May-2012	31-Jan-2013	0.70	\$2	n/a	\$2
Training/Sampling	\$100	21-May-2012	31-Jan-2013	0.70	\$3	n/a	\$3
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 record keeping and training costs include 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 SWMORs, and 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
<b>ONE-TIME avoided costs [3]</b>							
	\$113	10-Jan-2012	10-May-2012	1.25	\$7	\$113	\$120
Other (as needed)	\$10	11-Jan-2012	29-Feb-2012	1.05	\$1	\$10	\$11

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to prepare and submit five months of SWMORs (\$22.50/report), calculated for the period in which the SWMORs were due. The other avoided cost includes the estimated amount to submit copies of public notices provided to the persons served by the Facility to the Executive Director (\$5.00/notice)

**Approx. Cost of Compliance**

	\$268
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**TOTAL**

	\$136
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Screening Date 19-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 3 (September 2011)

Case ID No. 44508

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101388957

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.111(e)(1)(A), and 290.122(f) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain the turbidity level of the combined filter effluent ("CFE") so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU") and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE. Specifically, the Respondent's CFE turbidity readings exceeded 1.0 NTU for 13 days and the Respondent did not submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE for the month of November 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to maintain the required turbidity levels could expose persons served by the community to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 13 Number of violation days 13

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

Violation Base Penalty \$1,950

Thirteen single events are recommended, calculated for the days with exceedances of the NTU requirement.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,950

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

# Economic Benefit Worksheet

**Respondent** City of La Villa  
**Case ID No.** 44508  
**Reg. Ent. Reference No.** RN101388957  
**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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost is captured in the economic benefit of Violation No. 1.

**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]	\$250	1-Nov-2011	30-Nov-2011	0.00	\$0	\$250	\$250
Other (as needed)	\$25	11-Dec-2011	31-Dec-2011	0.00	\$0	\$25	\$25

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional sampling and oversight that could have prevented the exceedances and to provide to the Executive Director a copy of the public notice provided to persons served by the Facility of the exceedances, calculated for the month in which the exceedances occurred.

Approx. Cost of Compliance

\$275

**TOTAL**

\$275

Screening Date 19-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 3 (September 2011)

Case ID No. 44508

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101388957

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 3

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

Violation Description Failed to collect routine distribution water samples for coliform analysis for the month of February 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Failure to perform routine coliform monitoring could result in persons served by the Facility being exposed to undetected contaminants, which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

29 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

## Economic Benefit Worksheet

**Respondent** City of La Villa  
**Case ID No.** 44508  
**Reg. Ent. Reference No.** RN101388957  
**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]	\$50	1-Feb-2012	29-Feb-2012	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount (\$25 per sample) to conduct routine coliform sampling, calculated for the month sampling was not conducted.

Approx. Cost of Compliance \$50

**TOTAL** \$50

Screening Date 19-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 3 (September 2011)

Case ID No. 44508

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101388957

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 290.111(e)(1)(B) and 290.122(F) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain the turbidity level of the CFE so as not to exceed 0.3 NTU in at least 95% of the samples tested each month and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE. Specifically, 100% of the Respondent's CFE turbidity readings exceeded 0.3 NTU and the Respondent did not submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE for the month of November 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain the required turbidity levels could expose customers to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly event is recommended, calculated for the month that had exceedances of the NTU requirement.

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$276

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

# Economic Benefit Worksheet

**Respondent** City of La Villa  
**Case ID No.** 44508  
**Reg. Ent. Reference No.** RN101388957  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

The delayed cost is capture in the economic benefit of Violation No. 1.

**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]	\$250	1-Nov-2011	30-Nov-2011	0.00	\$0	\$250	\$250
Other (as needed)	\$25	1-Dec-2011	31-Dec-2011	1.00	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional sampling and oversight that could have prevented the exceedances and to provide to the Executive Director a copy of the public notice provided to persons served by the Facility of the exceedances, calculated for the month in which the exceedances occurred.

Approx. Cost of Compliance \$275

**TOTAL** \$276



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	18-Jun-2012	<b>Screening</b>	29-Jun-2012	<b>EPA Due</b>	30-Jun-2012
	<b>PCW</b>	29-Jun-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of La Villa
<b>Reg. Ent. Ref. No.</b>	RN101388957
<b>Facility/Site Region</b>	15-Harlingen
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	44508	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-1352-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** **130.0%** Enhancement **Subtotals 2, 3, & 7** **\$130**

Notes: Enhancement for 11 NOVs with same/similar violations, five NOVs with dissimilar violations, one agreed order without a denial of liability, one court order, and Poor Performer classification.

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

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

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

Total EB Amounts: \$20  
Approx. Cost of Compliance: \$190  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$230**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$230**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$230**

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

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

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$230**

Screening Date 29-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 2 (September 2002)

Case ID No. 44508

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388957

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> )	11	55%
	Other written NOVs	5	10%
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	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> )	1	30%
	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) 120%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

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

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

#### >> Compliance History Summary

##### Compliance History Notes

Enhancement for 11 NOVs with same/similar violations, five NOVs with dissimilar violations, one agreed order without a denial of liability, one court order, and Poor Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 130%

Screening Date 29-Jun-2012

Docket No. 2012-1352-PWS-E

PCW

Respondent City of La Villa

Policy Revision 2 (September 2002)

Case ID No. 44508

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101388957

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.107(e)

Violation Description Failed to report to the Executive Director the results for triennial synthetic organic contaminants monitoring for the reporting period from January 1, 2008 through December 31, 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 39

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

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$230

This violation Final Assessed Penalty (adjusted for limits) \$230

## Economic Benefit Worksheet

**Respondent** City of La Villa  
**Case ID No.** 44508  
**Reg. Ent. Reference No.** RN101388957  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$190	31-Dec-2010	31-Jan-2013	2.09	\$20	n/a	\$20
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 amounts of the outstanding laboratory costs that must be paid in order to release the test results, calculated from the last date of the monitoring period in which results were not provided 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

\$190

**TOTAL**

\$20

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600643217 City of La Villa Classification: POOR Rating: 68.80  
Regulated Entity: RN101388957 CITY OF LA VILLA Classification: POOR Site Rating: 60.00  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1080023  
WATER LICENSING LICENSE 1080023  
Location: INTERSECTION OF THIRD AND NOGALES STREETS, LA VILLA, HIDALGO COUNTY, TEXAS  
TCEQ Region: REGION 15 - HARLINGEN  
Date Compliance History Prepared: June 29, 2012  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: June 04, 2007 to June 04, 2012  
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? Since? N/A
4. If **YES**, who was/were the prior owner(s)/operator(s)? N/A
5. If **YES**, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/30/2008

COURTORDER

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

Description: Failure to inspect the elevated and ground storage tanks at least annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failure to provide an operational flow measuring device to measure the treated water used to backwash the filters. Metering devices shall be located to facilitate use and to assist in the determination of chemical dosage, the accumulation of water production and the operation of plant facilities.

Classification: Moderate

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

Description: Failure to maintain the control valve and the exterior coating of the elevated storage tank.

Classification: Moderate

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

Description: Failed to provide complete treatment at a plant which provides for continuous coagulation for all water secured from surface sources. Specifically, the City failed to repair & maintain the mechanical mixers in the north & south clarifiers.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(14)

Description: Failed to equip filters with sampling taps so effluent turbidity of each filter can be individually monitored. Specifically, the City failed to provide a sampling tap for settled water from the clarifier.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)

Description: Failed to provide at least one standby unit of each capacity of all disinfecting equipment on surface WTP's to ensure uninterrupted operation.

Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: 1, 2, 3, 4, 5, 6, 7 ORDER

Description: Violation of Commission order Docket No. 2001-1374-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)

Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for Trihalomethanes during the third quarter of 2006.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for Trihalomethanes during the second quarter of 2007.

Effective Date: 02/07/2010

ADMINORDER 2009-0370-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: May 2006 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: June 2006 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: September 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: October 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: November 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: January 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: February 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: March 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: July 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: August 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: September 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: October 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: November 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Classification: Moderate

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 21 21.4

30 TAC Chapter 290, SubChapter D 290.51

Description: Failure to pay all Consolidated Water Quality (CWQ) and Public Health Service (PHS) annual fees for 2009, along with late fees that have accrued on these accounts. Specifically, TCEQ FA

Account No. 23006061 should have been paid no later than November 30, 2008 and TCEQ FA Account

No. 91080023 should have been paid no later than December 30, 2008.

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	06/19/2007 (563696)	13	01/05/2009 (722287)
2	08/08/2007 (571597)	14	01/05/2009 (722290)
3	08/21/2007 (572223)	15	01/05/2009 (722292)
4	08/06/2008 (684389)	16	01/05/2009 (722296)
5	12/22/2008 (722058)	17	01/05/2009 (722641)
6	01/05/2009 (722230)	18	02/09/2009 (722683)
7	01/05/2009 (722242)	19	03/13/2009 (737992)
8	01/05/2009 (722248)	20	09/26/2009 (776467)
9	01/05/2009 (722255)	21	10/20/2010 (793348)
10	01/05/2009 (722263)	22	05/06/2010 (800077)
11	01/05/2009 (722273)	23	08/25/2011 (901771)
12	01/05/2009 (722284)	24	01/04/2012 (969932)

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

Date: 08/08/2007 (571597)

CN600643217

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for Trihalomethanes during the second quarter of 2007.

Date: 11/14/2007 (722242)

CN600643217

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: September 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 11/26/2007 (722248)

CN600643217

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)

30 TAC Chapter 290, SubChapter F 290.110(e)(5)

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

30 TAC Chapter 290, SubChapter F 290.111(h)(3)

Description: October 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 12/27/2007 (722255) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: November 2007 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 03/03/2008 (722263) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: January 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 03/31/2008 (722273) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: February 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 04/30/2008 (722284) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: March 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 08/06/2008 (684389) CN600643217  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
 Description: Failure to provide an up-to-date chemical and microbiological monitoring plan. Specifically, during the July 02, 2008, investigation the facility was unable to provide an chemical and microbiological for the water treatment plant.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)  
 Description: Failure to continuously monitor the filtered water turbidity and record the turbidity value every 15 minutes.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)  
 Description: Failure to properly calibrate the benchtop turbidimeter. Specifically, during the July 02, 2008, investigation the secondary standards used to calibrate the benchtop turbidimeter were observed to be expired.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(2)(A)  
 Description: Failure to provide a standby chemical feeder. Specifically, during the July 02, 2008, investigation there was no standby chemical feeder for the polymer day tank.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain all water facilities and related appurtenances in a water tight condition. Specifically, during the July 02, 2008, investigation the pipe gallery was observed to contain a large amount of water. As per the operator, Ricardo Perez, the water entered the gallery from a leaking pipe within the gallery.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)  
Description: Failure to identify chemical feed lines. Specifically, during the July 02, 2008, investigation the post chemical feed line was observed to be unlabeled and without color coding.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: During the July 02, 2008, investigation it was observed that the facility needs to more adequately record and maintain distribution system flushing records.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to develop and maintain a maintenance program to address the various corrosion issues throughout the water treatment plant. For example, during the July 02, 2008, investigation it was observed that the facility needs to maintain/replace the splitter box grate.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to maintain an up-to-date thorough plant operations manual for operator review and reference.

Date: 09/04/2008 (722287) CN600643217

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
Description: July 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 10/15/2008 (722290) CN600643217

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
Description: August 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 12/03/2008 (722292) CN600643217

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
Description: September 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.

Date: 12/22/2008 (722296) CN600643217

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)

30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: October 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.  
 Date: 01/05/2009 (722641) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)  
 30 TAC Chapter 290, SubChapter F 290.111(h)(3)  
 Description: November 2008 - Failure to submit surface water monthly operating report by the tenth day of the month following the end of the reporting period.  
 Date: 09/25/2009 (776467) CN600643217  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)  
 Description: Failure to continuously monitor the filtered water turbidity and record the turbidity value every 15 minutes.  
 Date: 10/22/2010 (793348) CN600643217  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
 Description: Failure to provide flow measuring devices to measure the raw water supplied to the plant, the treated water used to back wash the filters, and the treated water discharged from the plant.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)  
 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)  
 Description: Failure to continuously monitor the filtered water turbidity and record the turbidity value every 15 minutes.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)  
 30 TAC Chapter 312, SubChapter F 312.122(b)  
 Description: Failure to obtain permits from TCEQ for the discharge of wastes from water treatment processes.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)  
 Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)  
 Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)  
 Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)  
 30 TAC Chapter 290, SubChapter D 290.42(f)(2)(A)  
 Description: Failure to include at least one functional standby chemical feed unit for ensuring

uninterrupted operation.

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

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Description: Failure to provide an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(16)  
Description: Failure to provide a computer and software for recording performance data, maintaining records, and submitting reports to the executive director.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the system's facilities and equipment in a manner so as to prevent the contamination of the water.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the system's facilities and equipment in a manner so as to prevent the contamination of the water.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)  
Description: Failure to enclose water treatment plant and all appurtenances by an intruder-resistant fence.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the system's facilities and equipment in a manner so as to prevent the contamination of the water.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)  
Description: Failure to retain the Recycling Practices Report form.

Self Report? NO Classification: Major  
Citation: 2A TWC Chapter 7, SubChapter A 7.101  
Description: Failure to comply with any provision of a Court Order.  
Date: 08/24/2011 (901771) CN600643217

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)  
30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)  
30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)  
Description: Failure to continuously monitor the filtered water turbidity and record the turbidity value every 15 minutes.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)  
30 TAC Chapter 312, SubChapter F 312.122(b)  
Description: Failure to obtain permits from TCEQ for the discharge of wastes from water treatment processes.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)  
Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)  
30 TAC Chapter 290, SubChapter D 290.42(f)(2)(A)

Description: Failure to include at least one functional standby chemical feed unit for ensuring uninterrupted operation.

Self Report? NO Classification: Minor

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

Description: Failure to provide a thorough and up-to-date plant operations manual for operator review and reference.

Self Report? NO Classification: Minor

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

Description: Failure to provide an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(16)

Description: Failure to provide a computer and software for recording performance data, maintaining records, and submitting reports to the executive director.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the system's facilities and equipment in a manner so as to prevent the contamination of the water.

Self Report? NO Classification: Minor

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

Description: Failure to retain the Recycling Practices Report form.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Description: Failure to comply with any provision of a Court Order.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(I)  
30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain all pumps motors, valves, and other mechanical devices in good working condition (treated water flow meter not functional).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate flow measuring device at least once every 12 months (raw water flow meter has not been calibrated).

Self Report? NO Classification: Minor

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

Description: Failure to provide copies of most recent Customer Service Inspections for investigator review.

Self Report? NO Classification: Minor

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

Description: Failure to ensure that backflow prevention assemblies which are installed to

provide protection against health hazards are tested and certified to be operating within specifications at least annually by a recognized backflow assembly tester.

- 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 LA VILLA  
RN101388957**

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

**AGREED ORDER  
DOCKET NO. 2012-1352-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 La Villa (“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 the intersection of Third and Nogales Streets in La Villa, Hidalgo County, Texas (the “Facility”) that has approximately 467 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on May 21, 2012, TCEQ staff documented that the Respondent did not report to the Executive Director the results for triennial synthetic organic contaminants ("SOC") monitoring for the reporting period January 1, 2008 through December 31, 2010.
3. During a record review on May 21, 2012, TCEQ staff documented that the Respondent did not submit Surface Water Monthly Operating Reports ("SWMORs") to the Executive Director by the tenth day of the month following the end of the reporting period for the months of December 2011 through April 2012 and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to submit SWMORs for the months of December 2011 and January 2012.
4. During a record review on May 21, 2012, TCEQ staff documented that the Respondent's combined filter effluent ("CFE") exceeded 1.0 Nephelometric Turbidity Unit ("NTU") for 13 days and the Respondent did not submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE for the month of November 2011.
5. During a record review on May 21, 2012, TCEQ staff documented that the Respondent did not collect routine distribution water samples for coliform analysis for the month of February 2012.
6. During a record review on May 21, 2012, TCEQ staff documented that 100% of the Respondent's CFE turbidity readings exceeded 0.3 NTU and the Respondent did not submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE for the month of November 2011.
7. The Respondent received notice of the violations on June 11, 2012.

## **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 report to the Executive Director the results for triennial SOC monitoring, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to submit SWMORs to the Executive Director by the tenth day of the month following the end of the reporting period and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to submit SWMORs, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2), and (e)(5), 290.111(h)(2), and (h)(12), and 290.122(f).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to maintain the turbidity level of the CFE so as not to exceed 1.0 NTU and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE, in violation of 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(A) and 290.122(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to collect routine distribution water samples for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to maintain the turbidity level of the CFE so as not to exceed 0.3 NTU in at least 95% of the samples tested each month and failed to submit to the Executive Director a copy of the public notice provided to the persons served by the Facility of the failure to maintain the turbidity of the CFE, in violation of 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(B) and 290.122(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
7. 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.
8. An administrative penalty in the amount of Five Thousand Two Hundred Thirty Dollars (\$5,230) 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 Two Hundred Thirty Dollar (\$5,230) 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 Two Hundred Thirty Dollars (\$5,230) as set forth in Section II, Paragraph 8 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 La Villa, Docket No. 2012-1352-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 and repeat 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.f. 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 30 days after the effective date of this Agreed Order:
    - i. Begin submitting SWMORs to the Executive Director each month by the tenth day of the month following the end of each month, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant reporting. SWMORs shall be submitted to:

SWMOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
    - ii. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.107 (Organic Contaminants);

- iii. Implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of the Executive Director's request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.107 (Organic Contaminants); and
- iv. Begin maintaining all turbidity levels, including but not limited to the turbidity level of the combined filter effluent below 1.0 NTU and below 0.3 NTU in at least 95% of the tested samples, in accordance with 30 TEX. ADMIN. CODE § 290.111.
- d. 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 Nos. 2.c.ii. through 2.c.iv.
- e. Within 195 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.ii.
- f. Within 225 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.c.i. 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

Pam Danzin Jr  
For the Executive Director

2/18/13  
Date

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

Noel Bernal  
Signature

10-12-12  
Date

Noel Bernal  
Name (Printed or typed)  
Authorized Representative of  
City of La Villa

City Administrator  
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.