

**Executive Summary – Enforcement Matter – Case No. 48260**  
**City of Beeville**  
**RN101419133**  
**Docket No. 2014-0221-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 Beeville PWS, located at 400 North Washington Street, Beeville, Bee 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:** July 4, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$6,929

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

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

**Total Paid to General Revenue:** \$6,929

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** December 10, 2013 and January 27, 2014

**Date(s) of NOE(s):** February 6, 2014 and February 14, 2014

**Executive Summary – Enforcement Matter – Case No. 48260**  
**City of Beeville**  
**RN101419133**  
**Docket No. 2014-0221-PWS-E**

***Violation Information***

1. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to issue public notices that conform to the general requirements [30 TEX. ADMIN. CODE § 290.122(d)].
3. Failed to submit to the Executive Director ("ED") a copy of the public notice within ten days of its distribution as proof of public notification and failed to furnish a copy of the boil water notice to the radio or television station serving the area served by the public water system [30 TEX. ADMIN. CODE § 290.122(a)(2)(B) and 30 TEX. ADMIN. CODE § 290.122(f)].
4. Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for total trihalomethanes ("TTHM") based on the running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
5. Failed to achieve a turbidity level of the combined filter effluent ("CFE") that is less than 1.0 Nephelometric Turbidity Unit ("NTU") [30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
6. Failed to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested [30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
7. Failed to provide public notification regarding the failure to achieve a turbidity level of the CFE that is less than 5.0 NTU and the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested [30 TEX. ADMIN. CODE § 290.122(a)(2) and (b)(2)(A)].
8. Failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
9. Failed to achieve the turbidity levels of CFE that is less than 5.0 NTU [30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and (i)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Immediately, begin maintaining a minimum total chlorine residual of 0.5 mg/L at all times.
- b. Within 10 days, implement procedures to ensure that all necessary public notifications and boil water notices are provided in a timely manner and conform to the general requirements, including but not limited to the following: ensuring that copies of the public notices and signed Certificate of Deliveries are submitted to the ED within 10 days, providing public notification for failing to achieve a turbidity level of the CFE that is less than 5.0 NTU and for failing to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample.
- c. Within 15 days, submit written certification to demonstrate compliance with Ordering Provisions a. and b.
- d. Within 30 days:
  - i. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notifications and boil water notices are provided to radio or television stations for the area served by public water system in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised § 290.46;
  - ii. Begin maintaining the turbidity level of the CFE below 1.0 NTU and 0.3 NTU in at least 95% of the tested samples;
  - iii. Update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained throughout the distribution system at all times. This provision will be satisfied upon six months of daily compliant monitoring and reporting.
- e. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions d.i. and d.ii.
- f. Within 225 days, submit written certification to demonstrate compliance with Ordering Provision d.iii.

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**Docket No. 2014-0221-PWS-E**

g. Within 365 days:

i. Return to compliance with the running annual average MCL for TTHM at the Facility;

or

ii. Return to compliance with the locational running annual average MCL for TTHM at the Facility.

h. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision g.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

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

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Jack S. Hamlett, City Manager, City of Beeville, 400 North Washington Street, Beeville, Texas 78102

The Honorable David Carabajal, Mayor, City of Beeville, 400 North Washington Street, Beeville, Texas 78102

**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>	10-Feb-2014	<b>Screening</b>	10-Feb-2014	<b>EPA Due</b>	31-Mar-2014
	<b>PCW</b>	10-Feb-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Beeville
<b>Reg. Ent. Ref. No.</b>	RN101419133
<b>Facility/Site Region</b>	14-Corpus Christi
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48260	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-0221-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>	Epifanio Villarreal
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,050</b>
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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.

<b>Compliance History</b>	65.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$682</b>
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Notes: Enhancement for three NOVs with the same/similar violations, and two agreed orders without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$208
Approx. Cost of Compliance	\$400

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,732</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$1,732</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,732</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$1,732</b>
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Screening Date 10-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 65%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

#### >> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 65%

Screening Date 10-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

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

Violation Description Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") total chlorine throughout the distribution system at all times. Specifically, on December 10, 2013, a sample collected at the fire hydrant located at the intersection of East Jones Street and North Harrison Street measured a total chlorine residual of 0.36 mg/L.

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 proper levels of disinfection could expose customers of the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$204

Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Dec-2013	1-Oct-2014	0.81	\$4	n/a	\$4

**Notes for DELAYED costs**

The other delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$200	10-Dec-2013	11-Dec-2013	0.00	\$0	\$200	\$200

**Notes for AVOIDED costs**

The other avoided cost includes the estimated amount for additional maintenance and oversight to ensure the disinfection equipment is provided, operating properly and maintaining an adequate disinfection residual throughout the distribution system, calculated for the date the low disinfectant residual was documented.

Approx. Cost of Compliance

\$300

**TOTAL**

\$204

Screening Date 10-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.122(d)

Violation Description

Failed to issue public notices that conform to the general requirements. Specifically, on November 6, 2013 and December 3, 2013, the Respondent issued boil water notices. However, the initial boil water notice did not state when the event occurred or the date the significant deficiency was identified; did not describe potential adverse health effects; did not contain the mandatory contaminant-specific language contained in 40 Code of Federal Regulations (CFR) Subpart Q, Appendix B; did not state whether alternative drinking water sources should be used and what other actions consumers should take including when they should seek medical help; did not contain the name, business address, and telephone number at which consumers may contact the owner, operator, or designee of the public water system for additional information concerning the notice. In addition, the December 3, 2013 boil water notice only addressed the low pressure issue and not turbidity.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

Greater than 70% the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$300

Two single events are recommended (one event per notice).

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$495

This violation Final Assessed Penalty (adjusted for limits) \$495

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	10-Dec-2013	1-Oct-2014	0.81	\$4	n/a	\$4
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 develop and implement procedures and conduct employee training to ensure all necessary public notifications and boil water notifications conform to the general requirements and are provided to radio or television stations and the TCEQ, calculated from the date of the investigation 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	\$100	<b>TOTAL</b>	\$4
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Screening Date 10-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.122(a)(2)(B) and 30 Tex. Admin. Code § 290.122(f)

Violation Description Failed to submit to the Executive Director a copy of the public notice within ten days of its distribution as proof of public notification and failed to furnish a copy of the boil water notice to the radio or television station serving the area served by the public water system. Specifically, on December 10, 2013, it was documented that the Respondent did not furnish the radio or television stations with a copy of the boil water notice for the November 6, 2013 and December 3, 2013 incidents. In addition, the Respondent did not submit a copy of the public notice or a provide a signed Certificate of Delivery to the Executive Director for the two incidents that occurred on November 6 and December 3, 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			15.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 4 Number of violation days 62

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

Violation Base Penalty \$600

Four single events are recommended (one event per notice per 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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$990

This violation Final Assessed Penalty (adjusted for limits) \$990

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**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

The delayed costs are captured in the economic benefit for Violation No. 2.

### 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 \$0

**TOTAL** \$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	18-Feb-2014			
	<b>PCW</b>	18-Feb-2014	<b>Screening</b>	18-Feb-2014	<b>EPA Due</b> 31-Mar-2014

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Beeville				
<b>Reg. Ent. Ref. No.</b>	RN101419133				
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48260	<b>No. of Violations</b>	6
<b>Docket No.</b>	2014-0221-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>	Epifanio Villarreal
		<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**

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

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

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

### 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	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
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) 65%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 65%

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the running annual average. Specifically, at the time of the record review, it was documented that the running annual average concentration for TTHM was 0.088 mg/L for the third quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Exceeding the MCL for TTHM caused the customers of the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1 Number of violation days 91

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$300

One annual 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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$672

Violation Final Penalty Total \$495

This violation Final Assessed Penalty (adjusted for limits) \$495

## Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**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 commas or \$</small>							

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2013	1-Sep-2015	1.92	\$32	\$640	\$672
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 for the Facility to implement an alternative form of disinfection, calculated from the last day of the third quarter of 2013 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

\$5,000

**TOTAL**

\$672

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

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

Violation Description Failed to achieve a turbidity level of the combined filter effluent ("CFE") that is less than 1.0 Nephelometric Turbidity Units ("NTU"). Specifically, the CFE exceeded 1.0 NTU for four days in November 2013 and two days in December 2013.

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 required turbidity levels could expose customers of the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 6

6 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$900

Six single events are recommended (one event per day).

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 \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$527

Violation Final Penalty Total \$1,485

This violation Final Assessed Penalty (adjusted for limits) \$1,485

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**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
<small>No commas or \$</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]	\$500	1-Nov-2013	31-Dec-2013	1.08	\$27	\$500	\$527
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional sampling and oversight that could have prevented the exceedances, calculated for the months in which the exceedance occurred.

Approx. Cost of Compliance

\$500

**TOTAL**

\$527

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(1)(B) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested in November and December 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain required turbidity levels in at least 95% of samples tested each month could expose customers of the Facility to a significant amount of contaminants that would exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$600

Two monthly events are 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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$990

This violation Final Assessed Penalty (adjusted for limits) \$990

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**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
<small>No commas or \$</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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs are captured in the economic benefit for Violation No. 2

Approx. Cost of Compliance \$0

**TOTAL** \$0

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.122(a)(2) and (b)(2)(A)

Violation Description Failed to provide public notification regarding the failure to achieve a turbidity level of CFE that is less than 5.0 NTU for the month of January 2013 and the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested for the month of July 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Two single events are recommended (one event per public notice).

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$495

This violation Final Assessed Penalty (adjusted for limits) \$495

## Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Req. Ent. Reference No.** RN101419133  
**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)	\$100	27-Jan-2014	1-Oct-2014	0.68	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided in a timely manner. The date required is the record review date. The final date is 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)	\$50	1-Feb-2013	30-Aug-2013	1.49	\$4	\$50	\$54

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notifications (\$25 per notification) for the CFE turbidity exceedances, calculated for the period when public notification was required.

Approx. Cost of Compliance

\$150

**TOTAL**

\$57

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample for November 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$248

This violation Final Assessed Penalty (adjusted for limits) \$248

## Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Req. Ent. Reference No.** RN101419133  
**Media** Public Water Supply  
**Violation No.** 5

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 costs are captured in the economic benefit for Violation No. 4

### 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)	\$25	29-Nov-2012	28-Feb-2013	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notification of the failure to sample (\$25 per notice), calculated for the period when public notification was required.

Approx. Cost of Compliance

\$25

**TOTAL**

\$26

Screening Date 18-Feb-2014

Docket No. 2014-0221-PWS-E

PCW

Respondent City of Beeville

Policy Revision 3 (September 2011)

Case ID No. 48260

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101419133

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(1)(A) and (i)(3) and Tex. Health & Safety Code § 341.031(a)

Violation Description

Failed to achieve the turbidity levels of CFE that is less than 5.0 NTU in CFE. Specifically, the CFE exceeded 5.0 NTU for three days in December 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$700

\$300

Violation Events

Number of Violation Events 3

3 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$900

Three single events are recommended (one event per day).

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 \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,485

This violation Final Assessed Penalty (adjusted for limits) \$1,485

# Economic Benefit Worksheet

**Respondent** City of Beeville  
**Case ID No.** 48260  
**Reg. Ent. Reference No.** RN101419133  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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
<b>ONE-TIME</b> avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs are captured in the economic benefit for Violation No. 2.

Approx. Cost of Compliance \$0

**TOTAL** \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600740070, RN101419133, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600740070, City of Beeville      **Classification:** SATISFACTORY      **Rating:** 3.24

**Regulated Entity:** RN101419133, CITY OF BEEVILLE      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 400 N WASHINGTON ST, BEEVILLE, BEE COUNTY, TEXAS

**TCEQ Region:** REGION 14 - CORPUS CHRISTI

**ID Number(s):**

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION  
0130001

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** February 18, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 18, 2009 to February 18, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** EPI VILLARREAL

**Phone:** (361) 825-3425

**Site and Owner/Operator History:**

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, 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

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 11/13/2009      ADMINORDER 2009-0754-PWS-E (Findings Order-Agreed Order Without Denial)  
    Classification: Minor  
    Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)  
    Description: Failed to provide a flow measuring device to measure the treated water used to backwash the filters  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
    Description: Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition.  
    Classification: Moderate  
    Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)  
    Description: Failed to establish a radius restricted zone of 200 feet from the raw water intake prohibiting recreational activities and trespassing.  
    Classification: Minor  
    Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)  
    Description: Failure to restandardize the secondary standards each time the turbidimeter is calibrated with primary

standards.

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failed to provide Facility records to Commission personnel at the time of the investigation.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a residual disinfectant concentration in the water within the distribution system of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failed to enclose the water treatment plant and elevated storage tanks with an intruder-resistant fence.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failed to provide all water storage tanks with a water level indicator located at the tank site.

Classification: Minor

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

Description: Failed to maintain the overflow on the Facility's storage tanks in strict accordance with current AWWA design standards.

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices at the Facility to ensure the good working condition and general appearance of its facilities and equipment.

Classification: Minor

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

Description: Failed to conduct an annual inspection of the Facility's two ground storage tanks.

Classification: Minor

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

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant and at a central location.

Classification: Minor

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

Description: Failed to measure the free chlorine residual within the distribution system using the amperometric titration method, ferrous titration method, or a DPD colorimetric method which measures the free chlorine residual to a minimum accuracy of plus or minus 0.1 mg/L.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failed to analyze samples used to determine compliance with the treatment technique requirements and MRDLs by a laboratory approved by the Executive Director.

2 Effective Date: 03/19/2011 ADMINORDER 2010-1681-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.5 mg/L of chloramine throughout the distribution system at all times.

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

## D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 03/22/2013 (1146955) CN600740070  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NOV/2012 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 11/2012.

2 Date: 08/30/2013 (1104462) CN600740070  
Self Report? NO Classification: Moderate

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

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failure to analyze samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) by a laboratory approved by the executive director.

Self Report? NO Classification: Minor

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

Description: Failed to measure the chloramine residual to a minimum accuracy of plus or minus 0.1 mg/L using one of the following methods: amperometric titration, N,N-diethyl-p-phenylenediamine (DPD) ferrous titration, or DPD colorimetric within the treatment plant and at a point where the treated water enters the distribution system with a colorimeter or spectrophotometer.

Self Report? NO Classification: Minor

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

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor

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

Description: Failed to have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

Self Report? NO Classification: Minor

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

Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Self Report? NO Classification: Minor

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

Description: Failed to use maintenance and housekeeping practice to ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(3)(D)

Description: Failed to design the recorder so that the operator can accurately determine the value of readings at the monitoring interval approved by the executive director.

Self Report? NO Classification: Moderate

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

Description: Failed to test and certify to be operating within specifications all backflow prevention assemblies which are installed to provide protection against health hazards at least annually by a recognized backflow prevention assembly tester.

Self Report? NO Classification: Minor

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

Description: Failed to obtain all samples used for compliance at sampling sites designated in the monitoring plan.

Self Report? NO Classification: Minor

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

Description: Failed to properly complete and submit periodic reports to demonstrate compliance.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failed to maintain a chloramine residual of 0.5 mg/L (measured as total chlorine)  
in the water within the distribution system.

3 Date: 10/03/2013 (1146955) CN600740070  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for  
trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.088 mg/L.

**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



Date: 08/11/2011 (937226)

CN600740070

Classification: Moderate

Self Report? NO

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

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

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failure to analyze samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) by a laboratory approved by the executive director.

Classification: Minor

Self Report? NO

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

Description: Failed to measure the chloramine residual to a minimum accuracy of plus or minus 0.1 mg/L using one of the following methods: amperometric titration, N,N-diethyl-p-phenylenediamine (DPD) ferrous titration, or DPD colorimetric within the treatment plant and at a point where the treated water enters the distribution system with a colorimeter or spectrophotometer.

Classification: Minor

Self Report? NO

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

Description: Failed to base disinfection contact time on tracer study data or a theoretical analysis submitted by the system owner or their designated agent and approved by the executive director and the actual flow rate that is occurring at the time that monitoring occurs.

Classification: Moderate

Self Report? NO

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

Description: Failed to properly complete and submit periodic reports to demonstrate compliance.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Self Report? NO

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

Description: Failed to have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

Classification: Minor

Self Report? NO

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

Description: Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a water tight

condition and free of excessive solids.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.38(37)  
30 TAC Chapter 290, SubChapter D 290.42(m)

Description: Failed to enclose each water treatment plant and all appurtenances thereof by an intruder-resistant fence.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failed to maintain records of backflow prevention device programs.

Classification: Moderate

Self Report? NO

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

Description: Failed to prohibit a water connection from any public drinking water system to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.

5 Date: 05/08/2012 (994850) CN600740070

Classification: Moderate

Self Report? NO

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

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

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failure to analyze samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) by a laboratory approved by the executive director.

Classification: Minor

Self Report? NO

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

Description: Failed to measure the chloramine residual to a minimum accuracy of plus or minus 0.1 mg/L using one of the following methods: amperometric titration, N,N-diethyl-p-phenylenediamine (DPD) ferrous titration, or DPD colorimetric

within the treatment plant and at a point where the treated water enters the distribution system with a colorimeter or spectrophotometer.

Classification: Minor

Self Report? NO

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

Description: Failed to base disinfection contact time on tracer study data or a theoretical analysis submitted by the system owner or their designated agent and approved by the executive director and the actual flow rate that is occurring at the time that monitoring occurs.

Classification: Moderate

Self Report? NO

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

Description: Failed to properly complete and submit periodic reports to demonstrate compliance.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Self Report? NO

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

Description: Failed to have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not

staffed.

Classification: Minor

Self Report? NO

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

Description: Failed to use maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a water tight condition and free of excessive solids.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.38(37)

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

Description: Failed to enclose each water treatment plant and all appurtenances thereof by an intruder-resistant fence.

Classification: Minor

Self Report? NO

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

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)

Description: Failed to maintain records of backflow prevention device programs.

Classification: Moderate

Self Report? NO

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

Description: Failed to prohibit a water connection from any public drinking water system to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(ii)

Description: Failed to conduct grab sampling every four hours in lieu of continuous monitoring if there is a failure in the continuous turbidity monitoring equipment, but for no more than five working days following the failure of the equipment.

Classification: Moderate

Self Report? NO

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

Description: Failed to conduct grab sampling every four hours in lieu of continuous monitoring if there is a failure in the continuous monitoring equipment, but for no more than five working days following the failure of the equipment.

6\*

Date: 03/22/2013 (1146955)

CN600740070

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Citation: 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NOV/2012 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 11/2012.

7\*

Date: 08/30/2013 (1104462)

CN600740070

Classification: Moderate

Self Report? NO

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

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

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failure to analyze samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) by a laboratory approved by the executive director.

Classification: Minor

Self Report? NO

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

Description: Failed to measure the chloramine residual to a minimum accuracy of plus or minus 0.1 mg/L using one of the following methods: amperometric titration, N,N-diethyl-p-phenylenediamine (DPD) ferrous titration, or DPD colorimetric within the treatment plant and at a point where the treated water enters the distribution system with a colorimeter or spectrophotometer.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan.

Classification: Minor

Self Report? NO

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

Description: Failed to have at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

Classification: Minor

Self Report? NO

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

Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Classification: Minor

Self Report? NO

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

Description: Failed to use maintenance and housekeeping practice to ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(3)(D)

Description: Failed to design the recorder so that the operator can accurately determine the value of readings at the monitoring interval approved by the executive director.

Classification: Moderate

Self Report? NO

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

Description: Failed to test and certify to be operating within specifications all backflow prevention assemblies which are installed to provide protection against health hazards at least annually by a recognized backflow prevention assembly tester.

Classification: Minor

Self Report? NO

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

Description: Failed to obtain all samples used for compliance at sampling sites designated in the monitoring plan.

Classification: Minor

Self Report? NO

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

Description: Failed to properly complete and submit periodic reports to demonstrate compliance.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failed to maintain a chloramine residual of 0.5 mg/L (measured as total chlorine) in the water within the distribution system.

8 Date: 10/03/2013 (1146955) CN600740070

Classification: Moderate

Self Report? NO

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

Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.088 mg/L.

\* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

**Appendix B**

**All Investigations Conducted During Component Period February 18, 2009 and February 18, 2014**

Item 1	May 13, 2009**	(742995)
Item 2	May 18, 2010**	(802890)
Item 3	July 06, 2010**	(828634)
Item 4	June 23, 2011**	(933801)
Item 5	August 10, 2011**	(937226)
Item 6	May 08, 2012**	(994850)
Item 7	August 30, 2013**	(1104462)
Item 8	February 10, 2014	(1146955)
Item 9	February 14, 2014	(1150237)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BEEVILLE  
RN101419133

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

**AGREED ORDER**  
**DOCKET NO. 2014-0221-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 Beeville ("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 located at 400 North Washington Street in Beeville, Bee County, Texas (the "Facility") that has approximately 6,566 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on December 10, 2013, TCEQ staff documented that a sample collected at the fire hydrant located at the intersection of East Jones Street and North Harrison Street measured a total chlorine residual of 0.36 milligrams per liter (“mg/L”).
3. During an investigation conducted on December 10, 2013, TCEQ staff documented that on November 6, 2013 and December 3, 2013, the Respondent issued boil water notices. However, the initial boil water notice did not state when the event occurred or the date the significant deficiency was identified; did not describe potential adverse health effects; did not contain the mandatory contaminant-specific language contained in 40 CODE OF FEDERAL REGULATIONS (CFR) Subpart Q, Appendix B; did not state whether alternative drinking water sources should be used and what other actions consumers should take including when they should seek medical help; did not contain the name, business address, and telephone number at which consumers may contact the owner, operator, or designee of the public water system for additional information concerning the notice. In addition, the December 3, 2013 boil water notice only addressed the low pressure issue and not turbidity.
4. During an investigation conducted on December 10, 2013, the Respondent did not furnish the radio or television stations with a copy of the boil water notice for the November 6, 2013 and December 3, 2013 incidents. In addition, the Respondent did not submit a copy of the public notice or a provide a signed Certificate of Delivery to the Executive Director for the two incidents that occurred on November 6 and December 3, 2013.
5. During a record review conducted January 27, 2014, TCEQ staff documented that the running annual average concentration for total trihalomethanes (“TTHM”) was 0.088 mg/L for the third quarter of 2013.
6. During a record review conducted January 27, 2014, TCEQ staff documented the combined filter effluent (“CFE”) exceeded 1.0 Nephelometric Turbidity Units (“NTU”) for four days in November 2013 and two days in December 2013.
7. During a record review conducted January 27, 2014, TCEQ staff documented that the Respondent did not achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested in November and December 2013.
8. During a record review conducted January 27, 2014, TCEQ staff documented that the Respondent did not provide public notification regarding the failure to achieve a turbidity level of CFE that is less than 5.0 NTU for the month of January 2013 and did not achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested for the month of July 2013.
9. During a record review conducted January 27, 2014, TCEQ staff documented that the Respondent did not provide public notice of the failure to collect repeat distribution

samples within 24 hours of being notified of a total coliform-positive sample for November 2012.

10. During a record review conducted January 27, 2014, TCEQ staff documented the CFE exceeded 5.0 NTU for three days in December 2013.
11. The Respondent received notices of the violations on February 11, 2014 and February 19, 2014.
12. The Executive Director recognizes that the Respondent transitioned from Stage 1 Disinfectant Byproduct monitoring to Stage 2 Disinfectant Byproduct monitoring on October 1, 2013.

## **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 operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to issue public notices that conform to the general requirements, in violation of 30 TEX. ADMIN. CODE § 290.122(d).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to submit to the Executive Director a copy of the public notice within ten days of its distribution as proof of public notification and failed to furnish a copy of the boil water notice to the radio or television station serving the area served by the public water system, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(2)(B) and 30 TEX. ADMIN. CODE § 290.122(f).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM based on the running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to achieve a turbidity level of the CFE that is less than 1.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

8. As evidenced by Findings of Fact No. 8, the Respondent failed to provide public notification regarding the failure to achieve a turbidity level of CFE that is less than 5.0 NTU and the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, in violation of 30 TEX. ADMIN. CODE § 290.122(a)(2) and (b)(2)(A).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to provide public notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to achieve the turbidity levels of CFE that is less than 5.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and (i)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
11. 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.
12. An administrative penalty in the amount of Six Thousand Nine Hundred Twenty-Nine Dollars (\$6,929) 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 Six Thousand Nine Hundred Twenty-Nine Dollar (\$6,929) 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 Six Thousand Nine Hundred Twenty-Nine Dollars (\$6,929) as set forth in Section II, Paragraph 12 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 Beeville, Docket No. 2014-0221-PWS-E" to:

Financial Administration Division, Revenue Operations 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. Immediately upon the effective date of this Agreed Order, begin maintaining a minimum total chlorine residual of 0.5 mg/L at all times, in accordance with 30 TEX ADMIN. CODE §§ 290.46 and 290.110;
  - b. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications and boil water notices are provided in a timely manner and conform to the general requirements, including but not limited to the following: ensuring that copies of the public notices and signed Certificate of Deliveries are submitted to the Executive Director within 10 days, providing public notification for failing to achieve a turbidity level of CFE that is less than 5.0 NTU and for failing to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, notice of the failure to collect repeat distribution samples within 24 hours of being notified of a total coliform-positive sample, in accordance with 30 TEX. ADMIN. CODE § 290.122;
  - c. Within 15 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.
  - d. Within 30 days after the effective date of this Agreed Order:
    - i. Develop and begin maintaining a written protocol that is to be followed to ensure that proper public notifications and boil water notices are provided to radio or television stations for the area served by public water system in the event of low distribution system pressure below 20 pounds per square inch, water outages, positive microbiological samples, low chlorine residuals, or other conditions which indicate that the water supply may be compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Begin maintaining the turbidity level of CFE below 1.0 NTU, and 0.3 NTU in at least 95% of the tested samples, in accordance with 30 TEX. ADMIN. CODE § 290.111; and
    - iii. Update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.5 mg/L

total chlorine is maintained throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six months of daily compliant monitoring and reporting. Monitoring results shall be submitted to the addresses listed in Order Provision No. 2.h.

- e. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.d.i. through 2.d.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.d.iii.
- g. Within 365 days after the effective date of this Agreed Order:
  - i. Return to compliance with the running annual average MCL for TTHM at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.113; or
  - ii. Return to compliance with the locational running annual average MCL for TTHM at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- h. Within 380 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.g.i. or 2.g.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
NRC Building, Suite 1200  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

10/8/14  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Beeville. I am authorized to agree to the attached Agreed Order on behalf of City of Beeville, 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 Beeville waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

  
\_\_\_\_\_  
Signature

June 3, 2014  
\_\_\_\_\_  
Date

Jack S. Hamlett  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Beeville

City Manager  
\_\_\_\_\_  
Title

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