

Webb County
RN102698719
Docket No. 2013-2014-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (2 NOVs, 2 orders) over the prior five year period for the same violations.

Media:

Multi-Media: Public Water Supply, Municipal Solid Waste, and Water Quality

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

515 Martha Drive, Laredo, Webb County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: August 1, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$59,252

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

SEP Conditional Offset: \$59,252

Name of SEP: Repair Existing UV Disinfection System, Webb County (Compliance SEP)

Compliance History Classifications:

Person/CN – Satisfactory
 Site/RN – NA

Major Source: No (PCW 1); Yes (PCWs 2 and 3)

Statutory Limit Adjustment: \$68 enhancement (PCW 2)

Applicable Penalty Policy: September 2011

Webb County**RN102698719****Docket No. 2013-2014-MLM-E****Investigation Information**

Complaint Date(s): August 1, August 6, September 10, and September 11, 2013.
Complaint Information: Alleged that water from residents' homes was discolored, had a very strong odor, and was making residents sick. Also alleged low water pressure and that Respondent was improperly disposing of water treatment plant sludge.

Date(s) of Investigation: August 6 - September 12, 2013; November 15, 2013
Date(s) of NOV(s): June 14, 2013; September 20, 2013
Date(s) of NOE(s): October 2, 2013; November 18, 2013

Violation Information

1. Failed to ensure that no person caused, suffered, allowed, or permitted the dumping or disposal of municipal solid waste (MSW) or discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state without the written authorization of the Commission [TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 330.15(c)].
2. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(i)].
3. Failed to provide flow measuring devices to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant, and failed to provide additional metering devices as appropriate to monitor the flow rate through specific treatment processes [30 TEX. ADMIN. CODE § 290.42(d)(5)].
4. Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii)].
5. Failed to properly complete the SWMORs submitted to the Commission [30 TEX. ADMIN. CODE § 290.111(h)].
6. Failed to ensure that the disinfection CT used at the Facility is based on tracer study data or a theoretical analysis approved by the Commission and the actual flow rate that is occurring at the time the monitoring occurs [30 TEX. ADMIN. CODE § 290.111(d)(2)(B)].
7. Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring [30 TEX. ADMIN. CODE § 290.111(d)(2)(A)].
8. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].
9. Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes [30 TEX. ADMIN. CODE § 290.111(e)(3)(C)].
10. Failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public [30 TEX. ADMIN. CODE § 290.111(e)(3)(B)].
11. Failed to either continuously monitor and record the disinfectant residual of the water entering the distribution system or perform grab sampling every four hours [30 TEX. ADMIN. CODE § 290.110(c)(1)(A)].

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12. Failed to properly calibrate laboratory equipment used for compliance testing [30 TEX. ADMIN. CODE §§ 290.46(s)(2)(A), (s)(2)(B), and (s)(2)(C)].
13. Failed to achieve a turbidity level of the CFE that is less than 1.0 NTU [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.111(e)(1)(A)].
14. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
15. Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
16. Failed to issue a boil water notification to the customers of the Facility within 24 hours of a finished water turbidity exceeding 5.0 NTU [30 TEX. ADMIN. CODE § 290.46(q)(1) and (q)(3)].
17. Failed to provide a minimum pressure of 35 pounds psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].
18. Failed to consult with the Commission within 24 hours after a turbidity level exceeding 1.0 NTU in the CFE and failing to notify customers that the Commission was not consulted [30 TEX. ADMIN. CODE §§ 290.111(j)(2) and (j)(2)(B), and 290.122(a)(2)].
19. Failed to compile an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements which is maintained at each treatment plant and at a central location [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
20. Failed to employ at least one operator who holds a Class "B" or higher surface water license and at least one operator holds a Class "C" or higher surface water license [30 TEX. ADMIN. CODE § 290.46(e)(6)(B)].
21. Failed to either ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty when it is in operation or that the plant is provided 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 [30 TEX. ADMIN. CODE § 290.46(e)(6)(C)].
22. Failed to measure the disinfectant residual to a minimum accuracy of plus or minus 0.1 mg/L [30 TEX. ADMIN. CODE § 290.110(d)(1)].
23. Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters [30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(ii)].
24. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4)].
25. Failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public [30 TEX. ADMIN. CODE § 290.111(e)(3)(B)].
26. Failed to submit a SWMOR to the Commission by the tenth day of the month following the end of the reporting period [30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(5) and 290.111(h)(2) and (h)(12)].
27. Failed to achieve a turbidity level of the CFE that is less than 1.0 NTU and failed to provide public notice of the violation [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(A), 290.122(b)(2)(A) and (f)].

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28. 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 August 2013 and failed to provide public notice of the failure [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(B) and 290.122(b)(2)(A) and (f)].
29. Failed to provide public notification regarding coliform monitoring violations [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
30. Failed to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine in the water entering the distribution system for more than four consecutive hours, and failed to provide public notice of the failure [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.110(b)(2) and (f)(4) and 290.122(b)(2)(A) and (f)].
31. Failed to meet the inactivation requirement of the disinfection process used by the Facility for a period longer than four consecutive hours and failed to provide public notice of the violation [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(d)(1)(D) and 290.122(b)(2)(A) and (f)].
32. Failed to monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.111(d)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately:
 - a. Cease disposing of any additional MSW at unauthorized facilities;
 - b. Cease all unauthorized discharges; and
 - c. Begin operating the disinfection equipment to maintain a total chlorine residual concentration of at least 0.5 mg/L total chlorine at the entry point to the distribution system and throughout the distribution system at all times.
2. Within 30 days:
 - a. Remove all unauthorized MSW from the Facility and the property located north of the wastewater treatment plant, and, using an authorized transporter, dispose of it at an authorized facility;
 - b. Develop facility guidance and train employees to prevent additional unauthorized disposal of MSW;
 - c. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to the supporting documentation for the monthly operating reports, including individual operator logs;
 - d. Provide devices to measure the raw water supplied to the plant and the recycled decant water;
 - e. Develop procedures and implement training on the proper completion of SWMORs;
 - f. Ensure that the disinfection contact time is based on the Facility's approved CT study, including injecting chlorine and ammonia upstream of the splitter box for D1, upstream of the filters for D2, prior to the UV system/contact basins for D3, and only ammonia upstream of the clearwells for D4 or obtain a new CT Study approved by TCEQ;
 - g. Develop procedures and implement training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained at the entry point to the distribution system and throughout the distribution system at all times. This provision will be satisfied upon six months of compliant daily monitoring and monthly reporting;

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- h. Begin continuously monitoring and recording the disinfectant residual of water entering the distribution system or collecting grab samples at least every four hours;
 - i. Begin maintaining up-to-date calibration standards and calibrate all laboratory equipment used for compliance testing, including pH meters, turbidimeters, and chemical disinfectant residual analyzers;
 - j. Begin maintaining the turbidity level of the CFE below 1.0 NTU;
 - k. Develop and begin maintaining a written protocol that is to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of turbidity readings greater than 5.0 NTU or other conditions which indicate that the water supply may be compromised;
 - l. Update the Facility's operational guidance and conduct employee training to ensure that the Commission is consulted within 24 hours of a CFE greater than 1.0 NTU;
 - m. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including providing public notifications for: the failure to consult with the Commission for the CFE greater than 1.0 NTU in June, July, and August 2013; failure to achieve a turbidity less than 1.0 NTU for 12 days in August 2013; the failure to achieve less than 0.3 NTU in the CFE in greater than 95% of the samples in August 2013; the failure to perform repeat coliform monitoring in July 2013; the failure to maintain a minimum disinfectant residual of 0.5 mg/L of total chlorine entering the distribution system for more than four consecutive hours for two days in August 2013; and the failure to achieve microbial inactivation levels for longer than four consecutive hours on 19 days in August 2013;
 - n. Begin operating the Facility under the direct supervision of at least one Class "B" or higher surface water operator and at least one Class "C" or higher surface water operator, each of which work at least 32 hours per month at the Facility and have completed Surface Water Unit I and Surface Water Unit II courses;
 - o. Begin operating the Facility with a minimum Class "C" surface water operator on duty at the plant when it is in operation until such time that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators;
 - p. Conduct employee training on the proper use of the disinfectant residual monitoring equipment;
 - q. Begin maintaining the turbidity level of the CFE below 0.3 NTU in at least 95% of the tested samples; and
 - r. Develop and implement procedures to ensure the inactivation requirements of the disinfection process are met.
3. Within 60 days:
- a. Begin submitting complete and accurate SWMORs to the Commission each month by the tenth day of the month following the end of the month. This provision will be satisfied upon six consecutive months of compliant reporting;
 - b. Begin monitoring the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day and during a time when peak hourly raw water flow rates are occurring. This provision will be satisfied upon six months of compliant daily monitoring and monthly reporting;
 - c. Provide adequate containment facilities for all liquid chemical storage tanks, including the polymer tank and the bulk alum tank;
 - d. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting;

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- e. Develop and maintain an up-to-date chemical and microbiological monitoring plan that includes updating the coliform sampling site locations, adding Table 2 with the organic sampling locations, and updating the disinfection zone monitoring; and
 - f. Ensure that the high-rate gravity filters are operated within a maximum filtration rate of 5.0 gallons per square foot per minute for .
4. Within 90 days:
- a. Repair or replace the continuous turbidity monitoring equipment and institute a protocol to ensure that in the event of a malfunction of the continuous turbidity monitoring equipment that grab sampling is conducted every four hours, but for no more than 14 working days following the failure of the equipment;
 - b. Begin continuously monitoring the turbidity of the IFE and recording it every 15 minutes;
 - c. Begin measuring and recording the turbidity level of the CFE at least every four hours that the system serves water to the public; and
 - d. Initiate good housekeeping practices, including but returning the following equipment to service: SCADA, online monitors and recorders for pH, disinfectant residual, turbidity, air scour backwash, head gauges on the filters, automatic controls on the clarifiers, transfer pump meter, flow splitter to the clarifiers, and alum and polymer chemical feed pumps.
5. Submit written certification to demonstrate compliance:
- a. Within 30 days for Technical Requirement No. 1;
 - b. Within 45 days for Technical Requirement Nos. 2.a. through 2.f., and 2.h. through 2.r.;
 - c. Within 75 days for Technical Requirement Nos. 3.c. through 3.f.;
 - d. Within 105 days for Technical Requirement Nos. 4.a. through 4.d.;
 - e. Within 225 days for Technical Requirement No. 2.g.; and
 - f. Within 255 days for Technical Requirement Nos. 3.a. and 3.b.

Litigation Information

Date Petition(s) Filed: May 19, 2014
Date Answer(s) Filed: N/A
Settlement Date: July 14, 2014

Contact Information

TCEQ Attorneys: Jacquelyn Boutwell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Michaelle Garza, Enforcement Division, (210) 403-4076

TCEQ Regional Contact: Arnaldo Lanese, Laredo Regional Office, (956) 791-6611

Respondent Contact: The Honorable Danny Valdez, Webb County Judge, 1110 Washington Street, Suite 303, Laredo, Texas 78040-4471

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-2014-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Fifty-Nine Thousand Two Hundred Fifty-Two Dollars (\$59,252)
SEP Offset Amount:	Fifty-Nine Thousand Two Hundred Fifty-Two Dollars (\$59,252)
Type of SEP:	Compliance SEP
Project Name:	<i>Repair Existing UV Disinfection System</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s public water supply. Respondent shall hire a qualified contractor to install lamps, ballasts, programmable logic controllers, ballast interface boards, sensors, sensor windows, and recalibrate the UV Disinfection System at the Rio Bravo Water Treatment Plant located at 515 Martha Drive in Laredo, Webb County, Texas (Public Water Supply No. 2400022). Specifically, the SEP Offset Amount shall be used for the purchase of materials, supplies, and equipment for the following: UV Disinfection System (the “Project”).

Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing additional inactivation of microorganisms, even in the case of resistant bacteria, viruses, and parasites (e.g. Cryptosporidium and Giardia) and may reduce the quantity of disinfection chemicals currently used. Inadequately treated water can carry bacteria, viruses, and protozoa (parasitic organisms). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as E. coli and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Part No.	Units	Total
Contractor Estimated Costs:				\$228,000
ECORAY VL Lamp	48	76-6102167	Each	
ECORAY Ballast	8	76-6104873	Each	
Programmable Logic Controller	48	76-4875	Each	
Ballast Interface Board	4	76-39106	Each	
Drinking Water Sensor	4	76-35168	Each	
8400 Sensor Window	4	76-702433	Each	
Recalibration				
On-site Service				
Total				\$228,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 255 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 255-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
255	Notice of SEP completion

B. Final Report

Within 255 days after the effective date of the Agreed Order, or within 60 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and photographs of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-31087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	7-Oct-2013	Screening	21-Oct-2013	EPA Due	31-Dec-2013
	PCW	29-Oct-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County		
Reg. Ent. Ref. No.	RN102698719		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	1
Docket No.	2013-2014-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply/Municipal Solid Waste	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

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

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$1,456
Approx. Cost of Compliance	\$38,100

*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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 21-Oct-2013

Docket No. 2013-2014-MLM-E

PCW

Respondent Webb County

Policy Revision 3 (September 2011)

Case ID No. 47861

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102698719

Media [Statute] Water Quality

Enf. Coordinator Michaelle Garza

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>)	2	10%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> 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 two NOVs with same/similar violations and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Water Quality			
Enf. Coordinator	Michaelle Garza			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 330.15(c) and Tex. Water Code § 26.121(a)
Violation Description	Failed to ensure that no person caused, suffered, allowed, or permitted the dumping or disposal of municipal solid waste ("MSW") or discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state without the written authorization of the Commission. Specifically, a contractor for Webb County removed approximately 170,000-200,000 pounds of dry sludge from the settling basins and pond at the water treatment plant and placed it on an unauthorized site owned by Webb County just north of the wastewater treatment plant. In addition, approximately 3,600,000 pounds of sludge remained disposed at an unauthorized location at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual		x		Percent 15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent 0.0%

Matrix Notes
The unauthorized discharge and disposal of waste from the Facility's surface water treatment process has exposed human health or the environment to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 56 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two monthly events are recommended, calculated from the date of the investigation the violation was documented, August 26, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$1,456 **Violation Final Penalty Total** \$12,000

This violation Final Assessed Penalty (adjusted for limits) \$12,000

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Water Quality
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$38,000	26-Aug-2013	1-Jun-2014	0.76	\$1,452	n/a	\$1,452
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	26-Aug-2013	1-Jun-2014	0.76	\$4	n/a	\$4

Notes for DELAYED costs
 The delayed cost includes the estimated amount to develop facility guidance and train employees to prevent additional unauthorized disposal of waste, calculated from the date of the investigation when the violation was documented to the estimated date of compliance. The disposal delayed cost includes the estimated amount to remove the water treatment sludge and dispose of it at a Facility that is authorized to receive the waste, calculated from the date of the investigation when the violation was documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$38,100	TOTAL	\$1,456
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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	7-Oct-2013	Screening	21-Oct-2013	EPA Due	31-Dec-2013
	PCW	6-Dec-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County		
Reg. Ent. Ref. No.	RN102698719		
Facility/Site Region	16-Laredo	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	23
Docket No.	2013-2014-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste/Water Quality	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,340
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$12,204
Notes	Enhancement for two NOVs with same/similar violations and two agreed orders without a denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$9,502	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$113,714		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$32,544

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$32,544
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STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$32,612
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$32,612
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Screening Date 21-Oct-2013

Docket No. 2013-2014-MLM-E

PCW

Respondent Webb County

Policy Revision 3 (September 2011)

Case ID No. 47861

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

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>)	2	10%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> 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 two NOVs with same/similar violations and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 21-Oct-2013 **Docket No.** 2013-2014-MLM-E **PCW**
Respondent Webb County *Policy Revision 3 (September 2011)*
Case ID No. 47861 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN102698719
Media [Statute] Public Water Supply
Enf. Coordinator Michaelle Garza

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(E)(i)
Violation Description Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, the copies of Monthly Operating Reports ("MORs") and supporting documentation were incomplete because the Facility did not maintain copies of operator logs for June 12-30, 2013 and the individual operator logs for data transferred to the official log.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	Potential			0.0%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
				x	

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 Number of violation days 76

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

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 w th x)

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

Violation Subtotal \$10

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$4 Violation Final Penalty Total \$16

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$90	6-Aug-2013	1-Jun-2014	0.82	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to update the Facility's record-keeping system to include maintaining complete supporting documentation for the MORs (\$45 x 2 records), 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 \$90

TOTAL \$4

Screening Date 21-Oct-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark w th x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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)	\$2,000	6-Aug-2013	1-Jun-2014	0.82	\$5	\$109	\$115
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair and/or replace the malfunctioning meter and provide a separate meter to measure the recycled water flow, 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	\$2,000	TOTAL	\$115
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Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days. Specifically, the automated monitoring and recording system and the online turbidimeters were not in operation and the operators had been collecting grab samples for more than 14 days.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to continuously monitor the turbidity could prevent operators from adequately monitoring the turbidity levels and result in persons served by the Facility being exposed to contaminants that would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, August 6, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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)	\$85,000	6-Aug-2013	1-Jun-2014	0.82	\$232	\$4,642	\$4,874
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to return the automated monitoring equipment, online monitoring and data recorders for pH, disinfectant residual, turbidity, air scour backwash loss of head gauges, automatic controls on the clarifiers, transfer pump meter, flow splitter to the clarifiers, and alum and polymer chemical feed pumps to operation, 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	\$85,000	TOTAL	\$4,874
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Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County	Policy Revision 3 (September 2011)		
Case ID No.	47861	PCW Revision August 3, 2011		
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to properly complete the surface water monthly operating reports ("SWMORs") submitted to the Commission. Specifically, much of the data on the operator logs for June and July 2013 did not match the data reported on the corresponding SWMORs: numerous entries for combined filter effluent ("CFE"), individual filter effluent ("IFE"), disinfection data, and raw water flows were reported inaccurately.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
Greater than 70% of the rule requirement was not met.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	x
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two monthly events are recommended (one event for each month with inaccurate data).

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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	\$135	6-Aug-2013	1-Jun-2014	0.82	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$264	6-Aug-2013	1-Oct-2014	1.15	\$15	n/a	\$15

Notes for DELAYED costs
 The delayed cost includes the estimated amount to develop procedures and implement training to ensure that SWMORs are properly completed, and the other delayed cost includes the estimated amount to begin submitting timely and accurate SWMORs, 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 \$399

TOTAL \$21

Screening Date 21-Oct-2013 **Docket No.** 2013-2014-MLM-E **PCW**
Respondent Webb County *Policy Revision 3 (September 2011)*
Case ID No. 47861 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN102698719
Media [Statute] Public Water Supply
Enf. Coordinator Michaelle Garza

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.111(d)(2)(B)
Violation Description Failed to ensure that the disinfection contact time ("CT") used by the Facility is based on tracer study data or a theoretical analysis approved by the Commission and the actual flow rate that is occurring at the time that monitoring occurs. Specifically, the Facility was injecting chlorine and ammonia only into the contact basins on top of the clearwells; when, according to the approved CT study dated January 8, 2004, chlorine and ammonia should be injected upstream of the splitter box for disinfection zone no. 1 ("D1"), upstream of the filters for disinfection zone no. 2 ("D2"), prior to the ultraviolet system/contact basins for disinfection zone no. 3 ("D3"), and only ammonia upstream of the clearwells for disinfection zone no. 4 ("D4").

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					30.0%
Potential	x				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Failure to disinfect the Facility's water in accordance with an approved CT study could result in improper disinfection of the water exposing persons served by the Facility to contaminants which would exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 3 76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$900

Three monthly events are recommended, calculated from the date of the investigation, August 6, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th 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 \$57 **Violation Final Penalty Total** \$1,440

This violation Final Assessed Penalty (adjusted for limits) \$1,440

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	6-Aug-2013	1-Jun-2014	0.82	\$3	\$55	\$57
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount to ensure that disinfection protocol adheres to the January 8, 2004 CT Study or obtain TCEQ approval of a new CT Study, 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	\$1,000	TOTAL	\$57
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Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	47861	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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	\$135	6-Aug-2013	1-Oct-2014	1.15	\$8	n/a	\$8
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 procedures and implement training to ensure that the disinfectant residual is monitored correctly and reported accurately on the SWMOR, 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

\$135

TOTAL

\$8

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

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") of total chlorine throughout the distribution system at all times. Specifically, on August 6, 2013 a total chlorine residual of 0.4 mg/L was documented at the intersection of Morales and Silva.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain proper levels of disinfection could result in the delivery of a significant amount of contaminated water to persons served by the Facility which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 7

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)	\$135	6-Aug-2013	1-Jun-2014	0.82	\$6	n/a	\$6

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop procedures and implement training to ensure that a disinfectant residual concentration of at least 0.5 mg/L of total chlorine is maintained at all times, 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]	\$200	6-Aug-2013	7-Aug-2013	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure that the disinfection equipment is operating properly and maintaining an adequate disinfectant residual, calculated for the dates the low disinfectant residual was documented.

Approx. Cost of Compliance \$335

TOTAL \$206

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 8

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

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

Notes for DELAYED costs

The delayed cost is included in the economic benefit associated with violation no. 3.

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

TOTAL

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 9

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

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

Notes for DELAYED costs

The delayed cost is included in the economic benefit associated with violation no. 3.

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

TOTAL

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	47861	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 10

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

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

Notes for DELAYED costs

The delayed cost is captured in the economic benefit associated with violation no. 3.

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

TOTAL

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 11

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)	\$500	6-Aug-2013	1-Jun-2014	0.82	\$1	\$27	\$29
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to obtain standards for all of the Facility's equipment which needs verification and/or calibration, 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	\$390	7-Jul-2013	21-Oct-2013	0.29	\$6	\$113	\$119
Inspection/Reporting/Sampling	\$390	6-May-2013	21-Oct-2013	0.46	\$9	\$180	\$188
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 cost includes the estimated amount to perform accuracy checks and calibrations for all laboratory equipment, calculated from 30 days prior to the investigation for pH meters and 90 days prior to the investigation for online or benchtop turbidimeters and online or benchtop chlorine meters to the date of screening.

Approx. Cost of Compliance

\$1,280

TOTAL

\$336

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	47861	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

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Rule Cite(s)

Violation Description

Failed to achieve a turbidity level of the CFE that is less than 1.0 Nephelometric Turbidity Units ("NTU"). Specifically, the CFE documented in the operator logs exceeded 1.0 NTU for eleven days in June 2013 and eight days in July 2013.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain the required turbidity level of the CFE could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Nineteen single events are recommended (one event for each day with exceedances).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Jun-2013	31-Aug-2013	1.17	\$58	\$1,000	\$1,058
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$1,000

TOTAL \$1,058

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="30.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	Failure to maintain required automated monitoring and recording equipment could result in persons served by the Facility being exposed to contaminants that would exceed levels protective of human health.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Twenty-one monthly events are recommended (three monthly events for each piece of equipment), calculated from the date of the investigation, August 6, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 13

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

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

Notes for DELAYED costs

The delayed cost is included in the economic benefit associated with violation no. 3.

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

TOTAL

Screening Date 21-Oct-2013 Respondent Webb County Case ID No. 47861 Reg. Ent. Reference No. RN102698719 Media [Statute] Public Water Supply Enf. Coordinator Michaelle Garza	Docket No. 2013-2014-MLM-E	PCW <i>Policy Revision 3 (September 2011)</i> <i>PCW Revision August 3, 2011</i>
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Violation Number

Rule Cite(s)

Violation Description

Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, no secondary containment was provided for the polymer tank and one of the sidewalls for the bulk alum tank secondary containment area was missing.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="15.0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to provide adequate containment structures for liquid chemical storage tanks could expose the environment to a significant amount of contaminants which would not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended (one for each containment needed), calculated from the date of the investigation, August 6, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 14

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)	\$500	6-Aug-2013	1-Jul-2014	0.90	\$23	n/a	\$23

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide secondary containment for the polymer and bulk alum tanks, 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	\$500	TOTAL	\$23
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Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County	<i>Policy Revision 3 (September 2011)</i>		
Case ID No.	47861	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			
Violation Number	15			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(q)(1) and (q)(3)			
Violation Description	Failed to issue a boil water notification to the customers of the Facility within 24 hours of a finished water turbidity exceeding 5.0 NTU. Specifically, a turbidity of 6.39 NTU at filter no. 4 was documented in the operator log on July 11, 2013 and the Respondent did not issue a boil water notice within 24 hours.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential	x			30.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes: Failure to issue a boil water notice may not allow affected persons to take appropriate measures in response to high turbidities and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal

Economic Benefit (EB) for this violation	<input type="text" value="\$7"/>	Statutory Limit Test	<input type="text" value="\$480"/>
Estimated EB Amount		Violation Final Penalty Total	<input type="text" value="\$480"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$480"/>

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 15

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	\$135	6-Aug-2013	1-Jun-2014	0.82	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	12-Jul-2013	8-Aug-2013	0.07	\$2	n/a	\$2

Notes for DELAYED costs

The delayed costs include the estimated amount to develop and begin maintaining a written protocol that is to be followed to ensure that boil water notices are issued in a timely manner, calculated from the initial date of the investigation to the estimated date of compliance. The other delayed costs include the estimated amount to provide all affected customers with a boil water notification, calculated from the earliest date the boil water notice should have been issued to the date it was issued.

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	\$635	TOTAL	\$7
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Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaele Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, between August 6 and August 13, 2013 a pressure logger was installed on a fire hydrant located at the intersection of Morales and Silva in the El Cenizo neighborhood. The pressure logger documented water pressure as low as 27.7 psi on August 6, 22.9 on August 7, 26.1 on August 8, 26.8 psi on August 9, and 25.4 psi on August 13.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Harm			Percent <input type="text" value="15.0%"/>	
		Major	Moderate		Minor
	Release	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	x

Violation Base Penalty

Five single events are recommended (one for each date with low pressure).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 16

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	6-Aug-2013	13-Aug-2013	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional oversight that could have prevented inadequate pressure throughout the distribution system, calculated from the first documented date with pressure below 35 psi to the final documented date.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 17

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$135	6-Aug-2013	1-Jun-2014	0.82	\$6	n/a	\$6
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	6-Aug-2013	1-Jun-2014	0.82	\$4	n/a	\$4

Notes for DELAYED costs

The delayed costs include the estimated amount to develop procedures and implement training to ensure that the Commission is consulted when the CFE exceeds 1.0 NTU. The other delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner, 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)

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]	\$100	6-Jun-2013	5-Sep-2013	1.17	\$6	\$100	\$106
Other (as needed)	\$25	7-Jun-2013	6-Sep-2013	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to consult with the Commission, calculated for the period that consultation was required. The other avoided cost includes the estimated amount to provide public notification, calculated for the period public notification was due.

Approx. Cost of Compliance

\$360

TOTAL

\$142

Screening Date 21-Oct-2013 **Docket No.** 2013-2014-MLM-E **PCW**
Respondent Webb County *Policy Revision 3 (September 2011)*
Case ID No. 47861 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN102698719
Media [Statute] Public Water Supply
Enf. Coordinator Michaelle Garza

Violation Number 18

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description
 Failed to compile an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements which is maintained at each treatment plant and at a central location. Specifically, some of the coliform sampling site locations had changed, Table 2 with the organic sampling locations was not included with the plan, and the disinfection zone monitoring did not match the plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
				x	

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1 76 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$10

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 \$10

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2 **Violation Final Penalty Total** \$16

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 18

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

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)	\$45	6-Aug-2013	1-Jun-2014	0.82	\$2	n/a	\$2

Notes for DELAYED costs The delayed cost includes the estimated amount to develop and maintain an up-to-date monitoring plan, 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 **TOTAL**

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to employ at least two operators where one of the required operators holds a Class "B" or higher surface water license and the other required operator holds a Class "C" or higher surface water license. Specifically, after August 30, 2013, the Facility only employed one Class "B" operator.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to operate the system without the minimum number of licensed operators may result in poor plant operation which could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended, calculated from the date the violation began, August 30, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 19

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	\$10,400	30-Aug-2013	21-Oct-2013	0.14	\$74	\$1,482	\$1,556
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 cost includes the estimated amount to hire an additional part-time licensed operator, calculated from the date the violation began to the date of screening.

Approx. Cost of Compliance \$10,400

TOTAL \$1,556

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number	<input type="text" value="20"/>
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(e)(6)(C)"/>
Violation Description	Failed to ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or that the plant is provided 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. Specifically, the continuous turbidity and disinfectant residual monitors were not functioning and a minimum Class "C" operator was not present at the plant 24 hours a day.
Base Penalty	<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text"/>	x	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to operate the system with continuous monitors with automatic plant shutdown or under the supervision of at least one Class "C" operator when the plant is in operation may result in poor plant operation which could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="76"/>
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<i>mark only one with an x</i>				Violation Base Penalty <input type="text" value="\$150"/>
	daily	<input type="text"/>	<input type="text"/>	
	weekly	<input type="text"/>	<input type="text"/>	
	monthly	<input type="text"/>	<input type="text"/>	
	quarterly	x	<input type="text"/>	
	semiannual	<input type="text"/>	<input type="text"/>	
	annual	<input type="text"/>	<input type="text"/>	
single event	<input type="text"/>	<input type="text"/>		

One quarterly event is recommended, calculated from the date of the investigation, August 6, 2013, to the date of screening, October 21, 2013.

Good Faith Efforts to Comply

	<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark w th x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$150"/>

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$345"/>	Violation Final Penalty Total <input type="text" value="\$240"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$240"/>	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 20

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	6-Aug-2013	1-Aug-2014	0.99	\$16	\$329	\$345
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to make repairs to the continuous monitoring equipment and alarms or to ensure that a minimum Class "C" licensed operator is always present during plant operation, 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 **TOTAL**

Screening Date	21-Oct-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark w th x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 21

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	\$135	6-Aug-2013	1-Jun-2014	0.82	\$6	n/a	\$6
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 ensure personnel are properly trained in the use of the disinfectant residual monitoring equipment, 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	\$135	TOTAL	\$6
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Screening Date 21-Oct-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s)

Violation Description

Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters. Specifically, with two filters in operation with a combined area of 240 square feet, filtration rates of 5.13 and 5.18 gallons per square foot per minute were documented on August 8, 2013.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

		Harm			
		Major	Moderate	Minor	
Release	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="7.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	

>> Programmatic Matrix

Matrix Notes

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Failure to operate with a maximum filtration rate of 5.0 gallons per square foot per minute could lead to inadequate water treatment and cause persons served by the Facility to be exposed to insignificant amounts of contaminants that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 22

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)	\$5,000	8-Aug-2013	1-Aug-2014	0.98	\$16	\$327	\$343
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the system operates below the maximum filtration rate, calculated from the date the violation was documented to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	8-Aug-2013	9-Aug-2013	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount for additional maintenance and oversight that could have avoided or prevented the exceedance, calculated for the date the violation was documented.

Approx. Cost of Compliance \$5,200

TOTAL \$543

Screening Date 21-Oct-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

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 mg/L of total chlorine throughout the distribution system at all times. Specifically, on August 7, 2013 the following residuals were documented: 0.07 mg/L at 1539 Centeo, 0.09 mg/L at 1707 Centeo, 0.22 mg/L at 1504 Margarita, and 0.00 mg/L at 1521 Centeo.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain proper levels of disinfection could result in the delivery of contaminated water to persons served by the Facility which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text" value="x"/>	

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 23

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

The delayed cost is captured in the economic benefit associated with violation no. 7.

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 cost is captured in the economic benefit associated with violation no. 7.

Approx. Cost of Compliance

TOTAL



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	25-Nov-2013			
	PCW	6-Dec-2013	Screening	4-Dec-2013	EPA Due 31-Dec-2013

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County	
Reg. Ent. Ref. No.	RN102698719	
Facility/Site Region	16-Laredo	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	8
Docket No.	2013-2014-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste/Water Quality	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,150
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$5,490
Notes	Enhancement for two NOVs with same/similar violations and two agreed orders without a denial of liability.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$391	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$569		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,640
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
	Final Penalty Amount \$14,640

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,640
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$14,640
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Screening Date 4-Dec-2013

Docket No. 2013-2014-MLM-E

PCW

Respondent Webb County

Policy Revision 3 (September 2011)

Case ID No. 47861

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

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>)	2	10%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> 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 two NOVs with same/similar violations and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date	4-Dec-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="30.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)	

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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

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

Notes for DELAYED costs The delayed cost is included in the economic benefit associated with violation no. 3 on the October 7, 2013 penalty calculation worksheet.

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

TOTAL

Screening Date 4-Dec-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s)

Violation Description

Failed to submit a surface water monthly operating report ("SWMOR") to the Commission by the tenth day of the month following the end of the reporting period. Specifically, the Respondent failed to submit SWMORs for September and October 2013.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>			Violation Base Penalty <input type="text" value="\$300"/>
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text" value="x"/>			

Two single events are recommended.

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	<input type="text"/>	<input type="text" value="(mark w th x)"/>		

Notes

Violation Subtotal

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$46"/>	Violation Final Penalty Total <input type="text" value="\$480"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$480"/>	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$44	10-Oct-2013	10-Nov-2013	1.00	\$2	\$44	\$46
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit SWMORs, calculated from the due date of the first SWMOR to the due date of the last SWMOR.

Approx. Cost of Compliance \$44

TOTAL \$46

Screening Date	4-Dec-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to achieve a turbidity level of the CFE that is less than 1.0 Nephelometric Turbidity Units ("NTU") and failed to provide public notice of the violation. Specifically, the CFE exceeded 1.0 NTU for 12 days in August 2013 and no public notice was provided.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="15.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>				
					Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain the required turbidity levels of the CFE and provide public notice could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

Twelve single events are recommended (one for each day with exceedances).

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed cost to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner is included in the economic benefit associated with violation no. 17 on the October 7, 2013 penalty calculation worksheet.

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]	\$25	1-Sep-2013	30-Sep-2013	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to provide public notification for the treatment technique violation, calculated for the period when public notification should have been provided. The other avoided cost is captured in the economic benefit associated with violation no. 12 in the October 7, 2013 penalty calculation worksheet.

Approx. Cost of Compliance	\$25	TOTAL	\$25
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Screening Date	4-Dec-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.111(e)(1)(B) and 290.122(b)(2)(A) and (f), and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to achieve a turbidity level of the combined filter effluent that is less than 0.3 NTU in at least 95% of the samples tested in August 2013 and did not provide public notice of the violation.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to maintain required turbidity levels in at least 95% of samples tested each month could expose persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 4

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

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

Notes for DELAYED costs The delayed cost to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner is included in the economic benefit associated with violation no. 17 on the October 7, 2013 penalty calculation worksheet.

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]	\$25	1-Sep-2013	30-Sep-2013	0.00	\$0	\$25
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs The one-time avoided cost includes the estimated amount to provide public notification for the treatment technique violation, calculated for the period when public notification should have been provided. The other avoided cost is captured in the economic benefit associated with violation no. 12 in the October 7, 2013 penalty calculation worksheet.

Approx. Cost of Compliance \$25 **TOTAL** \$25

Screening Date 4-Dec-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

>> Programmatic Matrix

		Falsification					
		Major	Moderate	Minor			
		<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>			
					Percent <input type="text" value="15.0%"/>		

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark w th x)"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
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 cost is included in the economic benefit associated with violation no. 17 on the October 7, 2013 penalty calculation worksheet.

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]	\$25	1-Aug-2013	31-Oct-2013	1.17	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to provide public notification for the repeat coliform monitoring violation, calculated for the period when public notification should have been provided.

Approx. Cost of Compliance	\$25	TOTAL	\$26
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Screening Date 4-Dec-2013	Docket No. 2013-2014-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 47861		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(2) and (f)(4) and 290.122(b)(2)(A) and (f), and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") total chlorine in the water entering the distribution system for more than four consecutive hours and failed to provide public notice of the violation. Specifically, the disinfectant residual entering the distribution system was below 0.5 mg/L for two days in August 2013 and public notification was not provided.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	

>> Programmatic Matrix

	Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain proper levels of disinfection in the water entering the distribution system for four consecutive hours and provide public notification could result in the delivery of a significant amount of contaminated water to persons served by the Facility which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

Violation Base Penalty

Two single events are recommended (one for each date with a low residual).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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

The public notice delayed cost is included in the economic benefit associated with violation no. 7 on the October 7, 2013 penalty calculation worksheet.

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]	\$25	1-Sep-2013	30-Sep-2013	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to provide public notification of the treatment technique violation, calculated for the period when public notification should have been provided. The other avoided cost is included in the economic benefit associated with violation no. 7 on the October 7, 2013 penalty calculation worksheet.

Approx. Cost of Compliance

\$25

TOTAL

\$25

Screening Date	4-Dec-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaele Garza			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.111(d)(1)(D) and 290.122(b)(2)(A) and (f), and Tex. Health & Safety Code § 341.0315(c)

Violation Description
 Failed to meet the inactivation requirement of the disinfection process used by the Facility for a period longer than four consecutive hours and failed to provide public notice of the violation. Specifically, the Facility failed to achieve microbial inactivation levels for longer than four consecutive hours on 19 days in August 2013 and public notification was not provided.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="30.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes
 Failure to disinfect the water supply for the appropriate length of time and provide public notification could cause persons served by the Facility to be exposed to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

Violation Base Penalty

Nineteen single events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 7

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)	\$200	1-Aug-2013	1-Jun-2014	0.83	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and implement procedures to ensure that inactivation requirements for the Facility's disinfection process are met, calculated from the first date of the month of the violation to the estimated date of compliance. The public notice delayed cost is included in the economic benefit associated with violation no. 7 on the October 7, 2013 penalty calculation worksheet.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	1-Aug-2013	31-Aug-2013	1.00	\$10	\$200	\$210
Other (as needed)	\$25	1-Sep-2013	30-Sep-2013	0.00	\$0	\$25	\$25

Notes for AVOIDED costs

The avoided cost includes the esimated amount to provide a level of disinfection to meet inactivation requirements during the Facility's disinfection process, calculated for the month the Facility failed to meet the inactivation levels during a period exceeding four hours. The other avoided cost includes the estimated amount to provide public notification of the treatment technique violation, calculated for the period when public notification should have been provided.

Approx. Cost of Compliance

\$425

TOTAL

\$243

Screening Date	4-Dec-2013	Docket No.	2013-2014-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47861			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed cost is included in the economic benefit associated with violation no. 6 on the October 7, 2013 penalty calculation worksheet.

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

TOTAL

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.



Compliance History Report

PUBLISHED Compliance History Report for CN600612758, RN102698719, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600612758, Webb County

Classification: SATISFACTORY **Rating:** 4.22

Regulated Entity: RN102698719, WEBB COUNTY WATER UTILITIES

Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 515 MARTHA DRIVE, WEBB COUNTY, TEXAS

TCEQ Region: REGION 16 - LAREDO

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400022

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

Date Compliance History Report Prepared: December 04, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 04, 2008 to December 04, 2013

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

Name: Michaëlle Garza

Phone: (210) 403-4076

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: 10/31/2009 ADMINORDER 2009-0818-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2008.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Violated the maximum contaminant level for trihalomethanes during the first quarter of 2009.

2 Effective Date: 07/02/2011 ADMINORDER 2010-1283-MLM-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)(2)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the minimum required disinfectant residual of 0.5 mg/L total chlorine in each finished water storage tank and throughout the distribution system at all times.

Classification: Moderate

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

Description: Failure to maintain all of the Facility's operating records and make those records available for review during an inspection.

Classification: Minor

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

Description: Failure to properly complete the SWMOR to demonstrate compliance with 30 TAC 290.111(h).

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)(4)

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

Classification: Minor

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

Description: Failure to enclose the water storage tanks within an intruder-resistant fence.

Classification: Moderate

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

Description: Failure to perform maintenance practices which will ensure the good working condition of the Facility's equipment.

Classification: Moderate
Citation: 2B TWC Chapter 13, SubChapter A 13.139(d)
30 TAC Chapter 291, SubChapter F 291.93(3)
Description: Failed to submit to the Executive Director a planning report that clearly explains how the retail public utility, which has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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: 06/14/2013 (1095085) CN600612758**
- | | | | |
|--------------|--|-----------------|----------|
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii) | | |
| Description: | Failure to calibrate the on-line pH meter according to manufacturer specifications at least once every 30 days. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii) | | |
| Description: | Failure to calibrate the on-line turbidimeters according to manufacturer specifications at least once every 90 days. | | |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(c)(3) | | |
| Description: | Failure to provide a tight fitting overflow cover with no gap over 1/16 inch. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B) | | |
| Description: | Failure to maintain the minimum required disinfectant residual in the clearwell and throughout the distribution system at all times. | | |
- 2 Date: 09/20/2013 (1132982) CN600612758**
- | | | | |
|--------------|--|-----------------|----------|
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(e) | | |
| Description: | TCR Repeat MR Violation 07/2013 - Failure to collect and/or submit any repeats following a coliform found result within the required timeline. | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEBB COUNTY;
RN102698719**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-2014-MLM-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Webb County ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE chs. 341 and 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a public water supply located at 515 Martha Drive in Laredo, Webb County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,904 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. The Facility involves the management and/or the disposal of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
4. During an investigation conducted August 6, 2013 through September 12, 2013, a TCEQ Laredo Regional Office investigator documented that Respondent:
 - a. Failed to ensure that no person caused, suffered, allowed, or permitted the dumping or disposal of MSW and/or the discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state without the written authorization of the Commission. Specifically, a contractor for Respondent removed approximately 170,000-200,000 pounds of dry sludge from the settling basins and pond at Respondent's water treatment plant and disposed of it at an unauthorized site owned by Respondent, located just north of the wastewater

- treatment plant. In addition, approximately 3,600,000 pounds of sludge was disposed of at another unauthorized location near the Facility (PCW 1);
- b. Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, copies of monthly operating reports and supporting documentation were incomplete because Respondent did not maintain copies of operator logs for June 12-30, 2013, and the individual operator logs for data transferred to the official log (PCW 2, Violation 1);
 - c. Failed to provide flow measuring devices to measure the amount of raw water supplied to the plant, recycled decant water, treated water used to backwash the filters, and treated water discharged from the plant, and failed to provide additional metering devices as appropriate to monitor the flow rate through specific treatment processes. Specifically, the raw water meter at the transfer pump station which sends a combination of raw water and recycled water to the plant was not functioning and there was no separate meter to measure the recycled water flow (PCW 2, Violation 2);
 - d. Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days. Specifically, the automated monitoring and recording system and the online turbidimeters were not in operation and the operators had been collecting grab samples for more than 14 days (PCW 2, Violation 3);
 - e. Failed to properly complete the surface water monthly operating reports ("SWMORs") submitted to the Commission. Specifically, much of the data on the operator logs for June and July 2013 did not match the data reported on the corresponding SWMORs: numerous entries for combined filter effluent ("CFE"), individual filter effluent ("IFE"), disinfection data, and raw water flows were reported inaccurately (PCW 2, Violation 4);
 - f. Failed to ensure that the disinfection contact time ("CT") used at the Facility is based on tracer study data or a theoretical analysis approved by the Commission and the actual flow rate that is occurring at the time the monitoring occurs. Specifically, the operators of the Facility were injecting chlorine and ammonia only into the contact basins on top of the clearwells, when, according to the approved CT study dated January 8, 2004, chlorine and ammonia should be injected upstream of the splitter box for disinfection zone no. 1 ("D1"), upstream of the filters for disinfection zone no. 2 ("D2"), prior to the ultraviolet system/contact basins for disinfection zone no. 3 ("D3"), and ammonia only upstream of the clearwells for disinfection zone no. 4 ("D4") (PCW 2, Violation 5);
 - g. Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring. Specifically, the disinfectant residual was only being collected from disinfection zones D3 and D4 and was not collected during times of peak hourly raw water flow, and disinfection data for D3 was not being collected at the end of the zone (PCW 2, Violation 6);
 - h. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of total chlorine throughout the distribution system at all times. Specifically, on August 6, 2013, a total chlorine residual of 0.4 mg/L was documented at the intersection of Morales and Silva (PCW 2, Violation 7);

- i. Failed to continuously monitor the filtered water turbidity of the effluent at each individual filter and record the turbidity every 15 minutes. Specifically, the continuous monitoring equipment was not functioning, nor was the IFE being recorded every 15 minutes (PCW 2, Violation 8);
- j. Failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public. Specifically, operator logs and monthly operating reports for June and July 2013 showed that the CFE was not being monitored at least every four hours (PCW 2, Violation 9);
- k. Failed to either continuously monitor and record the disinfectant residual of the water entering the distribution system or perform grab sampling every four hours during the months of June and July 2013 (PCW 2, Violation 10);
- l. Failed to properly calibrate laboratory equipment used for compliance testing. Specifically, calibration and/or verification was not conducted for online or benchtop turbidimeters, online or benchtop chlorine meters, and pH meters, and the calibration standards at the Facility were expired (PCW 2, Violation 11);
- m. Failed to achieve a turbidity level of the CFE that is less than 1.0 Nephelometric Turbidity Units ("NTU"). Specifically, the CFE documented in the operator logs exceeded 1.0 NTU for eleven days in June 2013 and eight days in July 2013 (PCW 2, Violation 12);
- n. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the automated monitoring and recording system ("SCADA"), online monitors and recorders for pH, air scour backwash, loss of head gauges on the filters, automatic controls on the clarifiers, flow splitter to the clarifiers, and alum and polymer chemical feed pumps were not operational (PCW 2, Violation 13);
- o. Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, no secondary containment was provided for the polymer tank and one of the sidewalls for the bulk alum tank secondary containment area was missing (PCW 2, Violation 14);
- p. Failed to issue a boil water notification to the customers of the Facility within 24 hours of a finished water turbidity exceeding 5.0 NTU. Specifically, a turbidity of 6.39 NTU at filter no. 4 was documented in the operator log on July 11, 2013, and Respondent did not issue a boil water notice within 24 hours (PCW 2, Violation 15);
- q. Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting. Specifically, between August 6 and August 13, 2013, a pressure logger was installed on a fire hydrant located at the intersection of Morales and Silva in the El Cenizo neighborhood. The pressure logger documented water pressure as low as 27.7 psi on August 6th, 22.9 on August 7th, 26.1 on August 8th, 26.8 psi on August 9th, and 25.4 psi on August 13th. (PCW 2, Violation 16);
- r. Failed to consult with the Commission within 24 hours after a turbidity level exceeding 1.0 NTU in the CFE, and failed to notify customers that the Commission was not consulted. Specifically, the CFE exceeded 1.0 NTU on the following dates: June 5-7, 9-14, and 18-19, 2013; July 1, 3, 8, 17-19,

and 30-31, 2013; August 3, 4, 5 and 8, 2013; and September 4, 2013. Furthermore, Respondent did not consult with the Commission and subsequently did not provide public notification to its customers of the failure to consult with the Commission (PCW 2, Violation 17);

- s. Failed to compile an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements which is maintained at each treatment plant and at a central location. Specifically, some of the coliform sampling site locations had changed, Table 2 with the organic sampling locations was not included with the plan, and the disinfection zone monitoring did not match the plan (PCW 2, Violation 18);
 - t. Failed to employ at least one operator who holds a Class "B" or higher surface water license and at least one operator who holds a Class "C" or higher surface water license. Specifically, after August 30, 2013, the Facility only employed one Class "B" operator (PCW 2, Violation 19);
 - u. Failed to ensure either that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty when it is in operation, or that the plant is provided 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. Specifically, the continuous turbidity and disinfectant residual monitors were not functioning, and a Class "C" or higher operator was not present at the plant 24 hours a day (PCW 2, Violation 20);
 - v. Failed to measure the disinfectant residual to a minimum accuracy of plus or minus 0.1 mg/L. Specifically, when measuring the disinfectant residual using the Hach pocket colorimeter, the operator did not use the correct procedures when measuring in the high range: an incorrect sample cell and incorrect amount of reagent were used (PCW 2, Violation 21);
 - w. Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters. Specifically, with two filters in operation with a combined area of 240 square feet, filtration rates of 5.13 and 5.18 gallons per square foot per minute were documented on August 8, 2013 (PCW 2, Violation 22); and
 - x. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times. Specifically, on August 7, 2013 the following residuals were documented: 0.07 mg/L at 1539 Centeo, 0.09 mg/L at 1707 Centeo, 0.22 mg/L at 1504 Margarita, and 0.00 mg/L at 1521 Centeo (PCW 2, Violation 23).
5. During a record review conducted on November 15, 2013, TCEQ Public Drinking Water Section staff documented that Respondent violated the following requirements:
- a. Failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public. Specifically, there were 23 periods when CFE data was not collected during the month of August 2013 (PCW 3, Violation 1);

- b. Failed to submit SWMORs to the Commission by the tenth day of the month following the end of the reporting period. Specifically, Respondent failed to submit SWMORs for September and October 2013 (PCW 3, Violation 2);
 - c. Failed to achieve a turbidity level of the CFE that is less than 1.0 NTU and by failing to provide public notice of the violation. Specifically, the CFE exceeded 1.0 NTU for 12 days in August 2013 and no public notice was provided (PCW 3, Violation 3);
 - d. 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 August 2013, and failed to provide public notice of the violation (PCW 3, Violation 4);
 - e. Failed to provide public notification regarding coliform monitoring violations. Specifically, Respondent did not provide public notification of the failure to conduct repeat coliform monitoring during the month of July 2013 (PCW 3, Violation 5);
 - f. Failed to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine in the water entering the distribution system for more than four consecutive hours, and failed to provide public notice of the failure. Specifically, the disinfectant residual entering the distribution system was below 0.5 mg/L for two days in August 2013 and public notification was not provided (PCW 3, Violation 6);
 - g. Failed to meet the inactivation requirement of the disinfection process used by the Facility for a period longer than four consecutive hours, and failed to provide public notice of the failure. Specifically, the Facility failed to achieve microbial inactivation levels for longer than four consecutive hours on 19 days in August 2013, and public notification was not provided (PCW 3, Violation 7); and
 - h. Failed to monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained. Specifically, Respondent did not monitor the performance of the disinfection facilities for 11 days in August 2013 (PCW 3, Violation 8).
6. Respondent received notice of the violations in Finding of Fact No. 4 on or about October 7, 2013, and received notice of the violations in Finding of Fact No. 5 on or about November 27, 2013.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE chs. 341 and 361 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 4.a., Respondent failed to ensure that no person caused, suffered, allowed, or permitted the dumping or disposal of MSW and/or the discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state without the written authorization of the Commission, in violation of TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 330.15(c).
3. As evidenced by Finding of Fact No. 4.b., Respondent failed to make water works operation and maintenance records available for review by Commission personnel during the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(E)(i).

4. As evidenced by Finding of Fact No. 4.c., Respondent failed to provide flow measuring devices to measure the amount of raw water supplied to the plant, recycled decant water, treated water used to backwash the filters, and treated water discharged from the plant, and failed to provide additional metering devices as appropriate to monitor the flow rate through specific treatment processes, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(5).
5. As evidenced by Finding of Fact No. 4.d., Respondent failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii).
6. As evidenced by Finding of Fact No. 4.e., Respondent failed to properly complete the SWMORs submitted to the Commission, in violation of 30 TEX. ADMIN. CODE § 290.111(h).
7. As evidenced by Finding of Fact No. 4.f., Respondent failed to ensure that the disinfection CT used at the Facility is based on tracer study data or a theoretical analysis approved by the Commission and the actual flow rate that is occurring at the time the monitoring occurs, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(B).
8. As evidenced by Finding of Fact No. 4.g., Respondent failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(A).
9. As evidenced by Finding of Fact No. 4.h., Respondent failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4).
10. As evidenced by Finding of Fact No. 4.i., Respondent failed to continuously monitor the filtered water turbidity of the effluent at each individual filter and record the turbidity every 15 minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(C).
11. As evidenced by Finding of Fact No. 4.j., Respondent failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B).
12. As evidenced by Finding of Fact No. 4.k., Respondent failed to either continuously monitor and record the disinfectant residual of the water entering the distribution system or perform grab sampling every four hours, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(1)(A).
13. As evidenced by Finding of Fact No. 4.l., Respondent failed to properly calibrate laboratory equipment used for compliance testing, in violation of 30 TEX. ADMIN. CODE §§ 290.46(s)(2)(A), (s)(2)(B), and (s)(2)(C).
14. As evidenced by Finding of Fact No. 4.m., Respondent failed to achieve a turbidity level of the CFE that is less than 1.0 NTU, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.111(e)(1)(A).
15. As evidenced by Finding of Fact No. 4.n., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

16. As evidenced by Finding of Fact No. 4.o., Respondent failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).
17. As evidenced by Finding of Fact No. 4.p., Respondent failed to issue a boil water notification to the customers of the Facility within 24 hours of a finished water turbidity exceeding 5.0 NTU, in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1) and (q)(3).
18. As evidenced by Finding of Fact No. 4.q., Respondent failed to provide a minimum pressure of 35 pounds psi throughout the distribution system under normal operating conditions, and 20 psi during emergencies such as firefighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r).
19. As evidenced by Finding of Fact No. 4.r., Respondent failed to consult with the Commission within 24 hours after a turbidity level exceeding 1.0 NTU in the CFE, and failed to notify customers that the Commission was not consulted, in violation of 30 TEX. ADMIN. CODE §§ 290.111(j)(2) and (j)(2)(B), and 290.122(a)(2).
20. As evidenced by Finding of Fact No. 4.s., Respondent failed to compile an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements which is maintained at each treatment plant and at a central location, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
21. As evidenced by Finding of Fact No. 4.t., Respondent failed to employ at least one operator who holds a Class "B" or higher surface water license and at least one operator who holds a Class "C" or higher surface water license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(B).
22. As evidenced by Finding of Fact No. 4.u., Respondent failed to either ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty when it is in operation, or that the plant is provided 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, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C).
23. As evidenced by Finding of Fact No. 4.v., Respondent failed to measure the disinfectant residual to a minimum accuracy of plus or minus 0.1 mg/L, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(1).
24. As evidenced by Finding of Fact No. 4.w., Respondent failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(ii).
25. As evidenced by Finding of Fact No. 4.x., Respondent failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4).
26. As evidenced by Finding of Fact No. 5.a., Respondent failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B).
27. As evidenced by Finding of Fact No. 5.b., Respondent failed to submit SWMORs to the Commission by the tenth day of the month following the end of the reporting

- period, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(2) and (e)(5) and 290.111(h)(2) and (h)(12).
28. As evidenced by Finding of Fact No. 5.c., Respondent failed to achieve a turbidity level of the CFE that is less than 1.0 NTU and failed to provide public notice of the violation, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(A), 290.122(b)(2)(A) and (f).
 29. As evidenced by Finding of Fact No. 5.d., 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 August 2013, and failed to provide public notice of the violation, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(e)(1)(B) and 290.122(b)(2)(A) and (f).
 30. As evidenced by Finding of Fact No. 5.e., Respondent failed to provide public notification regarding coliform monitoring violations, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
 31. As evidenced by Finding of Fact No. 5.f., Respondent failed to maintain a minimum disinfectant residual of 0.5 mg/L total chlorine in the water entering the distribution system for more than four consecutive hours, and failed to provide public notice of the failure, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.110(b)(2) and (f)(4) and 290.122(b)(2)(A) and (f).
 32. As evidenced by Finding of Fact No. 5.g., Respondent failed to meet the inactivation requirement of the disinfection process used by the Facility for a period longer than four consecutive hours, and failed to provide public notice of the failure, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.111(d)(1)(D) and 290.122(b)(2)(A) and (f).
 33. As evidenced by Finding of Fact No. 5.h., Respondent failed to monitor the performance of the disinfection facilities to ensure that appropriate disinfectant levels are maintained, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.111(d)(2).
 34. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 35. An administrative penalty in the amount of fifty-nine thousand two hundred fifty-two dollars (\$59,252.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049. Pursuant to TEX. WATER CODE § 7.067, fifty-nine thousand two hundred fifty-two dollars (\$59,252.00) of the administrative penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed by this Agreed Order shall be discharged upon full compliance with all the terms and conditions of this Agreed Order, which includes timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

If Respondent fails to timely and satisfactorily comply with any requirement contained in this Agreed Order, including the SEP Agreement, the Executive Director may, at his option, accelerate the conditionally offset portion of the administrative penalty and it shall become immediately due and payable without demand or notice.

The acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order, and the Executive Director may require Respondent to pay all or part of the conditionally offset administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 35, above, for violations of state statutes and rules of the TCEQ. The assessment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 35, above. The amount of fifty-nine thousand and two hundred fifty-two dollars (\$59,252.00) of the assessed administrative penalty is conditionally offset based on the condition that Respondent implement and complete a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon full, final, and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director. Administrative penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order, Respondent shall:
 - i. Cease disposing of any additional MSW at unauthorized facilities, in accordance with 30 TEX. ADMIN. CODE § 330.15 (Conclusion of Law ("COL") No. 2);
 - ii. Cease all unauthorized discharges, in accordance with TEX. WATER CODE § 26.121(COL No. 2); and
 - iii. Begin operating the disinfection equipment to maintain a total chlorine residual concentration of at least 0.5 mg/L total chlorine at the entry point to the distribution system and throughout the distribution system at all times, as required by 30 TEX. ADMIN. CODE § 290.110 (COL Nos. 9, 25, and 31).
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Submit written certification, as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iii.;
 - ii. Remove all unauthorized MSW from Facility and the property located north of the wastewater treatment plant, and, using an authorized transporter, dispose of it at an authorized facility (COL No. 2);
 - iii. Develop facility guidance and train employees to prevent additional unauthorized disposal of MSW, in accordance with 30 TEX. ADMIN. CODE § 330.15 and TEX. WATER CODE § 26.121 (COL No. 2);

- iv. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including supporting documentation for monthly operating reports and individual operator logs, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 3);
- v. Provide devices to measure the raw water supplied to the plant and the recycled decant water, in accordance with 30 TEX. ADMIN. CODE § 290.42 (COL No. 4);
- vi. Develop procedures and implement training on the proper completion of SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 6);
- vii. Ensure that the disinfection contact time is based on the Facility's approved CT study, including injecting chlorine and ammonia upstream of the splitter box for D1, upstream of the filters for D2, prior to the UV system/contact basins for D3, and only ammonia upstream of the clearwells for D4 or obtain a new CT Study approved by TCEQ, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 7);
- viii. Develop procedures and implement training to ensure that a disinfectant residual concentration of at least 0.5 mg/L total chlorine is maintained at the entry point to the distribution system and throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110. This provision will be satisfied upon six months of compliant daily monitoring and monthly reporting. Monitoring results shall be submitted to the addresses listed in Ordering Provision No. 3.i., below (COL Nos. 9, 25, and 31);
- ix. Begin continuously monitoring and recording the disinfectant residual of water entering the distribution system or collecting grab samples at least every four hours, in accordance with 30 TEX. ADMIN. CODE § 290.110 (COL Nos. 12 and 33);
- x. Begin maintaining up-to-date calibration standards and calibrate all laboratory equipment used for compliance testing, including pH meters, turbidimeters, and chemical disinfectant residual analyzers, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 13);
- xi. Begin maintaining the turbidity level of the CFE below 1.0 NTU, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL Nos. 14 and 28);
- xii. Develop and begin maintaining a written protocol to be followed to ensure that proper notification and boil water notices are provided to the customers of the Facility in the event of turbidity readings greater than 5.0 NTU or other conditions which indicate that the water supply may be compromised, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 17);
- xiii. Update the Facility's operational guidance and conduct employee training to ensure that the Commission is consulted within 24 hours of a CFE greater than 1.0 NTU, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 19);
- xiv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including providing public notifications for: the failure to consult with the Commission for the CFE greater than 1.0 NTU in June, July, and August 2013; failure to achieve a turbidity less than 1.0 NTU for 12 days in

August 2013; the failure to achieve less than 0.3 NTU in the CFE in greater than 95% of the samples in August 2013; the failure to perform repeat coliform monitoring in July 2013; the failure to maintain a minimum disinfectant residual of 0.5 mg/L of total chlorine entering the distribution system for more than four consecutive hours for two days in August 2013; and the failure to achieve microbial inactivation levels for longer than four consecutive hours on 19 days in August 2013, in accordance with 30 TEX. ADMIN. CODE §§ 290.111 and 290.122 (COL Nos. 19, 29, 30, 31 and 32);

- xv. Begin operating the Facility under the direct supervision of at least one Class "B" or higher surface water operator and at least one Class "C" or higher surface water operator, each of which work at least 32 hours per month at the Facility and have completed Surface Water Unit I and Surface Water Unit II courses, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 21);
 - xvi. Begin operating the Facility with a minimum Class "C" surface water operator on duty at the plant when it is in operation until such time that the Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 22);
 - xvii. Conduct employee training on the proper use of the disinfectant residual monitoring equipment, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 23);
 - xviii. Begin maintaining the turbidity level of the CFE below 0.3 NTU in at least 95% of the tested samples, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 29); and
 - xix. Develop and implement procedures to ensure the inactivation requirements of the disinfection process are met, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 32).
- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.b.ii. through 3.b.vii. and 3.b.ix. through 3.b.xix.
- d. Within 60 days after the effective date of this Agreed Order, Respondent shall:
- i. Begin submitting complete and accurate SWMORs to the Commission each month by the tenth day of the month following the end of the month, in accordance with 30 TEX. ADMIN. CODE § 290.111. This provision will be satisfied upon six consecutive months of compliant reporting. The SWMORs shall be submitted to the addresses listed in Ordering Provision No. 3.i., below (COL Nos. 6 and 27);
 - ii. Begin monitoring the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day and during a time when peak hourly raw water flow rates are occurring, in accordance with 30 TEX. ADMIN. CODE § 290.111. This provision will be satisfied upon six months of compliant daily monitoring and monthly reporting. Monitoring results shall be submitted to the addresses listed in Ordering Provision No. 3.i., below (COL No. 8);

- iii. Provide adequate containment facilities for all liquid chemical storage tanks, including the polymer tank and the bulk alum tank, in accordance with 30 TEX. ADMIN. CODE § 290.42 (COL No. 16);
 - iv. Begin operating the Facility so as to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 18);
 - v. Develop and maintain an up-to-date chemical and microbiological monitoring plan that includes updating the coliform sampling site locations, adding Table 2 with the organic sampling locations, and updating the disinfection zone monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.121 (COL No. 20); and
 - vi. Ensure that the high-rate gravity filters are operated within a maximum filtration rate of 5.0 gallons per square foot per minute, in accordance with 30 TEX. ADMIN. CODE § 290.42 (COL No. 24).
- e. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.d.iii. through 3.d.vi.
- f. Within 90 days after the effective date of this Agreed Order, Respondent shall:
- i. Repair or replace the continuous turbidity monitoring equipment and institute a protocol to ensure that in the event of a malfunction of the continuous turbidity monitoring equipment that grab sampling is conducted every four hours, but for no more than 14 working days following the failure of the equipment, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 5);
 - ii. Begin continuously monitoring the turbidity of the IFE and recording it every 15 minutes, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 10);
 - iii. Begin measuring and recording the turbidity level of the CFE at least every four hours that the system serves water to the public, in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL Nos. 11 and 26); and
 - iv. Initiate good housekeeping practices, including returning the following equipment to service: SCADA, online monitors and recorders for pH, disinfectant residual, turbidity, air scour backwash, head gauges on the filters, automatic controls on the clarifiers, transfer pump meters, flow splitters to the clarifiers, and alum and polymer chemical feed pumps, in accordance with 30 TEX. ADMIN. CODE § 290.46 (COL No. 15).
- g. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.f.i. through 3.f.iv.
- h. Within 225 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provision No. 3.b.viii.
- i. Within 255 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.j., below, to demonstrate compliance with Ordering Provisions Nos. 3.d.i. and 3.d.ii.

- j. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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 fine and imprisonment for knowing violations."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Arnaldo Lanese, Waste Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

and:

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

4. All relief not expressly granted in this Agreed Order is denied.
5. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute.

8. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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.
11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

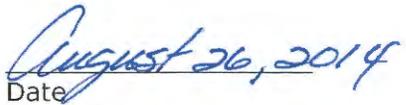
SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



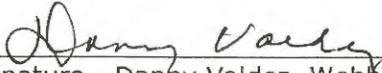
Date

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

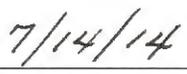
I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Danny Valdez, Webb County Judge



Date

Attachment A

Attachment A
Docket Number: 2013-2014-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Fifty-Nine Thousand Two Hundred Fifty-Two Dollars (\$59,252)
SEP Offset Amount:	Fifty-Nine Thousand Two Hundred Fifty-Two Dollars (\$59,252)
Type of SEP:	Compliance SEP
Project Name:	<i>Repair Existing UV Disinfection System</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply which are described in this Agreed Order. This Agreed Order cites violations at the Respondent’s public water supply. Respondent shall hire a qualified contractor to install lamps, ballasts, programmable logic controllers, ballast interface boards, sensors, sensor windows, and recalibrate the UV Disinfection System at the Rio Bravo Water Treatment Plant located at 515 Martha Drive in Laredo, Webb County, Texas (Public Water Supply No. 2400022). Specifically, the SEP Offset Amount shall be used for the purchase of materials, supplies, and equipment for the following: UV Disinfection System (the “Project”).

Any advertisements, including solicitation for bids publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment, as listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has not previously performed this Project, and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing additional inactivation of microorganisms, even in the case of resistant bacteria, viruses, and parasites (e.g. Cryptosporidium and Giardia) and may reduce the quantity of disinfection chemicals currently used. Inadequately treated water can carry bacteria, viruses, and protozoa (parasitic organisms). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as E. coli and severe gastroenteritis.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Part No.	Units	Total
Contractor Estimated Costs:				\$228,000
ECORAY VL Lamp	48	76-6102167	Each	
ECORAY Ballast	8	76-6104873	Each	
Programmable Logic Controller	48	76-4875	Each	
Ballast Interface Board	4	76-39106	Each	
Drinking Water Sensor	4	76-35168	Each	
8400 Sensor Window	4	76-702433	Each	
Recalibration				
On-site Service				
Total				\$228,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 255 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 255-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
255	Notice of SEP completion

B. Final Report

Within 255 days after the effective date of the Agreed Order, or within 60 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;
4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and photographs of the completed Project;
5. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
6. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-31087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

Respondent shall not include this Project in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.