

Executive Summary – Enforcement Matter – Case No. 49347
Laguna Madre Water District
RN102675501
Docket No. 2014-1367-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Laguna Madre Water District, 105 Port Road, Port Isabel, Cameron County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,170

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,170

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 2, 2014 through September 12, 2014

Date(s) of NOE(s): September 12, 2014

**Executive Summary – Enforcement Matter – Case No. 49347
Laguna Madre Water District
RN102675501
Docket No. 2014-1367-PWS-E**

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") for total coliform and failed to provide public notification and submit a copy of the public notification to the Executive Director ("ED") regarding the failure to comply with the MCL for total coliform [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to achieve a turbidity level of the combined filter effluent ("CFE") that is less than 0.3 Nephelometric Turbidity Units ("NTU") in at least 95% of the samples tested [30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting; and
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including but not limited to providing public notification regarding the failure to comply with the MCL for total coliform and the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested.
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.ii.
- c. Within 225 days, submit written certification to demonstrate compliance with Ordering Provision a.i.

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2571; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Carlos J. Galvan, Jr., General Manager, Laguna Madre Water District, 105 Port Road, Port Isabel, Texas 78578
Scott Friedman, President, Laguna Madre Water District, 105 Port Road, Port Isabel, Texas 78578
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	15-Sep-2014	Screening	16-Sep-2014	EPA Due	31-Dec-2014
	PCW	18-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Laguna Madre Water District
Reg. Ent. Ref. No.	RN102675501
Facility/Site Region	15-Harlingen
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	49347	No. of Violations	2
Docket No.	2014-1367-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Sam Keller
		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	\$900
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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	30.0% Enhancement	Subtotals 2, 3, & 7	\$270
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Notes: Enhancement for two NOVs with the same/similar violations and one agreed order with a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$188
Estimated Cost of Compliance	\$275

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,170
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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 \$1,170

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,170
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,170
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Screening Date 16-Sep-2014

Docket No. 2014-1367-PWS-E

PCW

Respondent Laguna Madre Water District

Policy Revision 4 (April 2014)

Case ID No. 49347

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102675501

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

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 the same/similar violations and one agreed order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 16-Sep-2014

Docket No. 2014-1367-PWS-E

PCW

Respondent Laguna Madre Water District

Policy Revision 4 (April 2014)

Case ID No. 49347

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102675501

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2)(A) and (f) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") for total coliform during the months of June and August 2014 and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for total coliform for the month of June 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes an 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

As a result of the exceedance and the failure to provide public notification, persons served by the Facility have been exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 61

Table for event frequency: daily, weekly, monthly (marked with X), quarterly, semiannual, annual, single event.

Violation Base Penalty \$600

Two monthly events are recommended, calculated for the months of the exceedances.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

Notes

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

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$135

Violation Final Penalty Total \$780

This violation Final Assessed Penalty (adjusted for limits) \$780

Economic Benefit Worksheet

Respondent Laguna Madre Water District
Case ID No. 49347
Reg. Ent. Reference No. RN102675501
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	2-Sep-2014	30-Apr-2015	0.66	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The training/sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that all public notifications are provided, calculated from the date of the record review 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	1-Jun-2014	31-Aug-2014	1.17	\$6	\$100	\$106
Other (as needed)	\$25	1-Jul-2014	31-Jul-2014	1.00	\$1	\$25	\$26

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount for additional sampling and oversight to identify the source of the contamination, calculated for the months in which the exceedance occurred.

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

Approx. Cost of Compliance

\$225

TOTAL

\$135

Screening Date 16-Sep-2014
Respondent Laguna Madre Water District
Case ID No. 49347
Reg. Ent. Reference No. RN102675501
Media [Statute] Public Water Supply
Enf. Coordinator Sam Keller

Docket No. 2014-1367-PWS-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to achieve a turbidity level of the combined filter effluent that is less than 0.3 Nephelometric Turbidity Units in at least 95% of the samples tested for the months of May and June 2014.

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

100% 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	<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

Two single events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/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 Laguna Madre Water District
Case ID No. 49347
Reg. Ent. Reference No. RN102675501
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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 training/sampling delayed cost of compliance for this violation is included in the Economic Benefit for Violation No. 1.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Jun-2014	30-Jul-2014	1.08	\$3	\$50	\$53
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 (\$25 per notice x two missed notices), calculated for the period when public notification was required.

Approx. Cost of Compliance

\$50

TOTAL

\$53



Compliance History Report

PENDING Compliance History Report for CN600647952, RN102675501, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600647952, Laguna Madre Water District **Classification:** SATISFACTORY **Rating:** 0.21

Regulated Entity: RN102675501, Laguna Madre Water District **Classification:** HIGH **Rating:** 0.00

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 105 PORT ROAD, PORT ISABEL, CAMERON COUNTY, TEXAS

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0310005 **SLUDGE REGISTRATION** 23479

WATER LICENSING LICENSE 0310005

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 16, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 16, 2009 to September 16, 2014

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

Name: Sam Keller **Phone:** (512) 239-2678

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: 09/14/2013 ADMINORDER 2013-0438-PWS-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: TTHM MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
 - Description: ASBESTOS MR 9Y2012 - The system failed to monitor and/or failed to report asbestos levels to the TCEQ for the 9 year monitoring period from 01/01/2004 to 12/31/2012.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 28, 2013 (1074454)

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: | 06/30/2014 | (1193472) | CN600647952 | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | | | |
| | Description: | TCR MCL Violation 06/2014 - System exceeded a maximum contaminant level. | | | |
| 2 | Date: | 08/28/2014 | (1193472) | CN600647952 | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.109(f)(3) | | | |
| | Description: | TCR MCL Violation 08/2014 - System exceeded a maximum contaminant level. | | | |

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

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/16/2009 and 9/16/2014

- 1 Date: 03/13/2009 (880684) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 03/2009 - System exceeded a Maximum Contaminant Level (MCL) Violation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: TCR PN MCL Violation 03/2009 - Failure to post a public notice for exceeding a Maximum Contaminant Level (MCL) Violation.
- 2 Date: 10/23/2009 (776388) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to provide maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to maintain pumps, motors, valves, and other mechanical devices in good working condition.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure, through proper maintenance and housekeeping, the good working condition and general appearance of the system's facilities and equipment.
- 3 Date: 04/23/2010 (795635) CN600647952
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
Description: Failure to notify the executive director prior to making any significant change or addition to the systems production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, Laguna Madre Water Distric began sludge lagoon modifications before receiving the March 18, 2010, approval letter from the TCEQ Utilities Technical Review Team.
- 4 Date: 10/04/2010 (881311) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 09/2010 - System exceeded a Maximum Contaminant Level (MCL) Violation.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
Description: TCR PN MCL Violation 09/2010 - Failure to post a public notice for exceeding a Maximum Contaminant Level (MCL) Violation.
- 5 Date: 12/22/2010 (872648) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to provide maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to maintain, pumps, motors, valves and other mechanical devices, in accordance with 30 TAC §209.46 (m)(6).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to provide maintenance and housekeeping practices to ensure the good working conditions and general appearance of the systems facilities and equipment, in accordance with 30 TAC §290.46 (m).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to properly maintain all ground storage tanks, standpipes, elevated storage tanks. All shall be painted, disinfected, and maintained in strict

accordance with American Water Works Association (AWWA) standards, in accordance with 30 TAC §290.43 (c)(8).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to properly maintain all ground storage tanks, standpipes, elevated storage tanks. All shall be painted, disinfected, and maintained in strict accordance with American Water Works Association (AWWA) standards, in accordance with 30 TAC §290.43 (c)(8).

6 Date: 04/20/2011 (905470) CN600647952

Self Report? NO Classification: Moderate

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

Description: Failure to provide maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment.

Self Report? NO Classification: Minor

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

Description: Failure to maintain, pumps, motors, valves and other mechanical devices, in accordance with 30 TAC §209.46 (m)(6).

Self Report? NO Classification: Minor

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

Description: Failure to provide maintenance and housekeeping practices to ensure the good working conditions and general appearance of the systems facilities and equipment, in accordance with 30 TAC §290.46 (m).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to properly maintain all ground storage tanks, standpipes, elevated storage tanks. All shall be painted, disinfected, and maintained in strict accordance with American Water Works Association (AWWA) standards, in accordance with 30 TAC §290.43 (c)(8).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to properly maintain all ground storage tanks, standpipes, elevated storage tanks. All shall be painted, disinfected, and maintained in strict accordance with American Water Works Association (AWWA) standards, in accordance with 30 TAC §290.43 (c)(8).

7 Date: 07/25/2012 (1013696) CN600647952

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.144(a)

Description: Failure to properly label trucks with the company name, telephone number, registration number, and registration sticker.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.144(f)

Description: Failure to properly label discharge valves and ports.

8 Date: 07/31/2012 (963869) CN600647952

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to properly maintain all ground storage tanks, standpipes, elevated storage tanks. All shall be painted, disinfected, and maintained in strict accordance with American Water Works Association (AWWA) standards, in accordance with 30 TAC §290.43 (c)(8).

Self Report? NO Classification: Moderate

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

Description: Failure to continuously maintain a disinfectant residual during the treatment process and throughout the distribution system.

Specifically, during the June 19, 2012, investigation the Andy Bowie elevated storage tank was observed to have a chloramines disinfectant residual of less than the required 0.5 mg/l.

Self Report? NO Classification: Moderate

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

Description: Failure to continuously maintain a disinfectant residual during the treatment process and throughout the distribution system.

Specifically, during the June 19, 2012, investigation elevated storage tank No. 3 was observed to have a chloramines disinfectant residual of less than the required 0.5 mg/l.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to maintain pumps, motors, valves, and other mechanical devices in good working condition.

Specifically, plant No. 1 raw water pump No. 2 was observed to be non-operational during the June 19, 2012, investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to maintain pumps, motors, valves, and other mechanical devices in good working condition.
Specifically, plant No. 1 rapid mix motor was observed to be non-operational during the June 19, 2012, investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: Failure to maintain pumps, motors, valves, and other mechanical devices in good working condition.

Specifically, plant No. 2 raw water pump No. 2 was observed to be leaking excessively and highly corroded during the June 19, 2012, investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment.

Specifically, the sludge pump well at plant No. 2 was observed to be poorly kept and covered in a layer of algae and mud during the June 19, 2012, investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain pumps, motors, valves, and other mechanical devices in good working condition.

Specifically, plant No. 2 high service pump No. 1 was observed to be leaking excessively at the seal and air release device during the June 19, 2012, investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain maintenance and housekeeping practices to ensure the good working condition and general appearance of the systems facilities and equipment.

Specifically, all high service pumps at plant No. 2 was observed to be dirty and poorly maintained during the June 19, 2012, investigation.

9 Date: 12/18/2012 (1058052) CN600647952

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 4Q2012 - The system violated the maximum contaminant level for trihalomethanes during the 4th quarter of 2012.

10 Date: 01/29/2013 (1058052) CN600647952

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 1Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 1st quarter of 2013.

11 Date: 05/28/2013 (1074455) CN600647952

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to insure that customer service inspections are completed prior to providing continuous water service to new construction, on any existing service either when the water purveyor has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to ensure the intruder resistant fence is in good repair along the west side. All potable water storage tanks and pressure maintenance facilities must be

installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates.

- Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to ensure the intruder resistant fence is in good repair. At Plant No. 1, the top rail as well as the barb wire along the top of the fence were loose/broken.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to insure all ground storage tanks, standpipes, and elevated tanks shall be painted, disinfected, and maintained in strict accordance with current American Water Works Association (AWWA) standards. Specifically, the ground storage tank at Plant No. 1 was found to have significant corrosion and paint issues.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to insure maintenance and housekeeping. The maintenance and housekeeping practices used by a public water system shall ensure the good working condition and general appearance of the system's facilities and equipment. The grounds and facilities shall be maintained in a manner so as to minimize the possibility of the harboring of rodents, insects, and other disease vectors, and in such a way as to prevent other conditions that might cause the contamination of the water.

- 12* Date: 06/30/2014 (1193472) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 06/2014 - System exceeded a maximum contaminant level.
- 13* Date: 08/28/2014 (1193472) CN600647952
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
Description: TCR MCL Violation 08/2014 - System exceeded a maximum contaminant level.

* NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

Appendix B

All Investigations Conducted During Component Period September 16, 2009 and September 16, 2014

Item 1	October 23, 2009**	(776388)
Item 2	December 18, 2009**	(785925)
Item 3	December 08, 2010**	(880684)
Item 4	December 15, 2010**	(881307)
Item 5	December 22, 2010**	(884957)
Item 6	April 20, 2011**	(905470)
Item 7	February 27, 2012**	(958190)
Item 8	July 20, 2012**	(1013696)
Item 9	July 30, 2012**	(963869)
Item 10	February 13, 2013**	(1058052)
Item 11	February 22, 2013**	(1058599)
Item 12	May 08, 2013**	(1087745)
Item 13*	May 28, 2013**	(1074454)
Item 14	September 09, 2014	(1193472)
Item 15	September 12, 2014	(1193588)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAGUNA MADRE WATER
DISTRICT
RN102675501**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2014-1367-PWS-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Laguna Madre Water District (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 105 Port Road in Port Isabel, Cameron County, Texas (the "Facility") that has approximately 6,156 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from September 2, 2014 through September 12, 2014, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") for total coliform during the months of June 2014 and August 2014 and did not provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for total coliform for the month of June 2014.
3. During a record review conducted from September 2, 2014 through September 12, 2014, TCEQ staff documented that the Respondent did not provide public notification or submit a copy of the public notification to the Executive Director regarding the failure to achieve a turbidity level of the combined filter effluent ("CFE") that is less than 0.3 Nephelometric Turbidity Units ("NTU") in at least 95% of the samples tested for the months of May 2014 and June 2014.
4. The Respondent received notice of the violations on September 15, 2014.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL for total coliform and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for total coliform, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(A) and (f).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of One Thousand One Hundred Seventy Dollars (\$1,170) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand One Hundred Seventy Dollar (\$1,170) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand One Hundred Seventy Dollars (\$1,170) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Laguna Madre Water District, Docket No. 2014-1367-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Begin complying with applicable coliform monitoring requirements by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting; and
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including but not limited to providing public notification regarding the failure to comply with the MCL for total coliform and the failure to achieve a turbidity level of the CFE that is less than 0.3 NTU in at least 95% of the samples tested, in accordance with 30 TEX. ADMIN. CODE § 290.122.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.ii.; and
- c. Within 225 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Dawkins
For the Executive Director

3/9/15
Date

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

I understand that by entering into this Agreed Order, Laguna Madre Water District waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

Carlos J. Galvan Jr.
Signature

11/7/14
Date

Carlos J. Galvan, Jr
Name (Printed or typed)
Authorized Representative of
Laguna Madre Water District

General Manager
Title

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