

Executive Summary – Enforcement Matter – Case No. 49550
City of Santa Rosa
RN101242170
Docket No. 2014-1593-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Santa Rosa PWS, 601 La Donna Avenue, Santa Rosa, 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: February 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,662

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,662

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 8, 2011 and July 30, 2014 through August 1, 2014

Date(s) of NOE(s): October 3, 2014

Executive Summary – Enforcement Matter – Case No. 49550
City of Santa Rosa
RN101242170
Docket No. 2014-1593-PWS-E

Violation Information

1. Failed to ensure that the Facility's clearwells, ground storage tanks, standpipes and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].
3. Failed to employ at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(6)(C)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 7, 2014, the operator renewed his Class "C" operator license.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 180 days:
 - i. Repair and refurbish or replace the elevated tank and the 0.5 million gallon ground storage tank so that the tanks meet current AWWA standards; and
 - ii. Initiate good maintenance and housekeeping practices including but not limited to the following: repairing the roof in Train A, replacing the transfer pumps in Train A, and repairing the chlorine analyzer.
- b. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision a.

Litigation Information

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

Executive Summary – Enforcement Matter – Case No. 49550
City of Santa Rosa
RN101242170
Docket No. 2014-1593-PWS-E

Contact Information

TCEQ Attorney: N/A

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

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Ruben Ochoa, Jr., Mayor, City of Santa Rosa, P.O. Box
445, Santa Rosa, Texas 78593

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Oct-2014	Screening	22-Oct-2014	EPA Due	
	PCW	22-Oct-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Santa Rosa				
Reg. Ent. Ref. No.	RN101242170				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49550	No. of Violations	2
Docket No.	2014-1593-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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* **\$950**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **45.0%** Enhancement *Subtotals 2, 3, & 7* **\$427**

Notes: Enhancement for one agreed order with a denial of liability and one agreed order 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 \$79,973
Estimated Cost of Compliance \$250,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,377**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,377**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,377**

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

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$1,377**

Screening Date 22-Oct-2014

Docket No. 2014-1593-PWS-E

PCW

Respondent City of Santa Rosa

Policy Revision 2 (September 2002)

Case ID No. 49550

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101242170

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 45%

>> **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 one agreed order with a denial of liability and one agreed order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 22-Oct-2014
Respondent City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2014-1593-PWS-E

PCW

Policy Revision 2 (September 2002)
 PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Failed to ensure that the Facility's clearwells, ground storage tanks, standpipes and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, it was documented that the elevated storage tank had corrosion on the outside and inside of the tank, the ladder and walls were corroded, and the overflow valve had a moderate amount of corrosion. The elevated storage tank was found to be in poor condition and in need of repair and painting. In addition, the 0.5 million gallon ground storage tank was found to have rust pitting and corrosion along the top seam of the tank. The ground storage tank was found to be in poor condition overall.

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="10%"/>
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%"/>

Matrix Notes Failure to maintain the storage tanks in accordance with AWWA standards could allow significant amounts of contaminants to enter the water supply 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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended (one event per tank), calculated from the date of the investigation, July 30, 2014, to the date of screening, October 22, 2014.

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 City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200,000	8-Apr-2011	1-Nov-2015	4.57	\$3,047	\$60,932	\$63,978
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 refurbish the elevated storage tank and the 0.5 million gallon ground storage tank, calculated from the date the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200,000

TOTAL

\$63,978

Screening Date 22-Oct-2014

Docket No. 2014-1593-PWS-E

PCW

Respondent City of Santa Rosa

Policy Revision 2 (September 2002)

Case ID No. 49550

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101242170

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, it was documented that the roofing on the water treatment facility, Train A, was found to be in very poor condition with extensive rust.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3

84 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$750

Three monthly events are recommended, calculated from the date of the investigation, July 30, 2014, to the date of screening, October 22, 2014.

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15,995

Violation Final Penalty Total \$1,088

This violation Final Assessed Penalty (adjusted for limits) \$1,088

Economic Benefit Worksheet

Respondent City of Santa Rosa
Case ID No. 49550
Req. Ent. Reference No. RN101242170
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)	\$50,000	8-Apr-2011	1-Nov-2015	4.57	\$762	\$15,233	\$15,995
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the roof in Train A, calculated from the date the violation was initially documented to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$15,995



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	20-Oct-2014	Screening	22-Oct-2014	EPA Due	
	PCW	22-Oct-2014				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Santa Rosa		
Reg. Ent. Ref. No.	RN101242170		
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49550	No. of Violations	2
Docket No.	2014-1593-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$637
Estimated Cost of Compliance	\$5,186

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 22-Oct-2014

Docket No. 2014-1593-PWS-E

PCW

Respondent City of Santa Rosa

Policy Revision 4 (April 2014)

Case ID No. 49550

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101242170

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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) 45%

>> **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 one agreed order with a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 45%

Screening Date 22-Oct-2014
Respondent City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2014-1593-PWS-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description
 Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, it was documented that two of three transfer pumps in Train A were corroded beyond repair and the chlorine analyzer in the high service pump room was in disrepair.

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="5.0%"/>
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 the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to a significant amount of contaminants which 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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three quarterly events are recommended (one event per item needing repairs), calculated from the date of the investigation, July 30, 2014, to the date of screening, October 22, 2014.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/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 City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
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)	\$5,000	30-Jul-2014	1-Nov-2015	1.26	\$21	\$419	\$440
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 replace the transfer pumps and to repair the chlorine analyzer, 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

\$5,000

TOTAL

\$440

Screening Date 22-Oct-2014
Respondent City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2014-1593-PWS-E

PCW

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

Violation Number 2
Rule Cite(s)

30 Tex. Admin. Code § 290.46(e)(6)(C)

Violation Description

Failed to employ at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed. Specifically, it was documented that an operator was operating the plant with a Class "C" license that had expired.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failing to operate the Facility with an operator with valid license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address the disinfection and capacity needs of the Facility. As a result, customers of the Facility could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

84 **Number of violation days**

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended from the date of the investigation, July 30, 2014, to the date of screening, October 22, 2014.

Good Faith Efforts to Comply

10.0%

Reduction

\$5

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent achieved compliance on November 7, 2014.

Violation Subtotal \$45

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$197

Violation Final Penalty Total \$68

This violation Final Assessed Penalty (adjusted for limits) \$68

Economic Benefit Worksheet

Respondent City of Santa Rosa
Case ID No. 49550
Reg. Ent. Reference No. RN101242170
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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]	\$186	30-Jul-2014	7-Nov-2014	1.19	\$11	\$186	\$197
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for the employee of the Facility to renew the Class "C" water operator license (\$111 test fee plus \$75 training cost), calculated from the date of the investigation to the date of renewal.

Approx. Cost of Compliance

\$186

TOTAL

\$197

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

PENDING Compliance History Report for CN600735518, RN101242170, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600735518, City of Santa Rosa **Classification:** SATISFACTORY **Rating:** 21.25

Regulated Entity: RN101242170, CITY OF SANTA ROSA **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 601 LA DONNA AVENUE, SANTA ROSA, CAMERON, CAMERON COUNTY, TEXAS

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0310009

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

Date Compliance History Report Prepared: October 21, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 21, 2009 to October 21, 2014

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

Name: EPI VILLARREAL

Phone: (361) 825-3425

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

- 1 Effective Date: 03/08/2010 ADMINORDER 2009-1551-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 first 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 second 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 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 second quarter of 2009.

2 Effective Date: 09/22/2014 ADMINORDER 2014-0222-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 08/2012 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 09/2012 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 11/2012 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 12/2012 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 1/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 2/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 3/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

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

- 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
- 30 TAC Chapter 290, SubChapter F 290.111(h)(12)
- 30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 4/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 5/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 10/2012 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 6/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 7/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 8/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 9/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 10/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 11/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: SWTR SWMOR Major MR Violation 12/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for SWTP - 601 Ladona St. (TP14753).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR YR2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2013 to 12/31/2013 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 9Y2010 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the 9 year reduced monitoring period from 01/01/2002 to 12/31/2010 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: FBRR - The system failed to retain records of the Recycling Practices Report form and other records pertaining to site-specific recycle practices for treatment plants that recycle for five years at SWTP - 601 Ladona st. (TP14753).

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.

N/A

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

TAC §290.43 (c)(8).

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to provide good maintenance and housekeeping and 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, as noted in 30 TAC § 290.46 (m).

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)
Description: Failure to provide at the surface water treatment plant at least one functional standby unit of each capacity for ensuring uninterrupted operation. Common standby units are permissible but, generally, more than one standby unit must be

provided because of the differences in feed rates or the physical state in which the disinfectants are being fed (solid, liquid, or gas).

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: failure to ensure proper 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 such a way as to prevent other conditions that might cause the contamination of the water

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to ensure proper 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 such a way as to prevent other conditions that might cause the contamination of the water.

3*

Date: 09/20/2013 (1101620) CN600735518

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: Failure to insure that no person may discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state.
Specifically, dry water treatment plant sludge was noted to be caked up approximately 2 inches thick in an area next to the backwash basin.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(e)(2)
30 TAC Chapter 290, SubChapter F 290.111(e)(7)
Description: Failure to insure that public water systems that use surface water sources or groundwater sources under the direct influence of surface water must submit a Surface Water Monthly Operating Report (commission Form 0102C) or a Surface Water Monthly Operating Report for 2-Filter Plants (commission Form 0103) each month.
Specifically, the entity was missing several Monthly Operating Reports. The entity was instructed to complete the missing MORs.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: Failure to provide annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the

water delivered by the systems and characterize any risk from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

Specifically, the entity had not developed and distributed a 2013 Consumer Confidence Report.

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to insure that the public water system's operating records must be accessible for review during inspections and be available to the executive director upon request.

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to insure that flow measuring devices and rate-of-flow controllers that are required by §290.42(d) of this title (relating to Water Treatment) shall be calibrated at least once every 12 months.

Specifically, the entity failed to annually calibrate the backwash, recycled water, and treated water flow meters. The entity shall conduct such calibrations.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(E)

Description: Failure to insure that all plant piping shall be constructed so as to be thoroughly tight against leakage. No cross-connection or interconnection shall be permitted to exist in a filtration plant between a conduit carrying filtered or post-chlorinated water and another conduit carrying raw water or water in any prior stage of treatment. Specifically, the entity failed to provide an air gap on the filter to waste line.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to insure when chlorine gas is used, a full-face self-contained breathing apparatus or supplied air respirator that meets Occupational Safety and Health Administration (OSHA) standards for construction and operation shall be readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, the entity failed to properly operate and maintain the SCBA, since the tanks were empty.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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

Description: Failure to ensure proper 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 such a way as to prevent other conditions that might cause the contamination of the water.

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

Appendix B

All Investigations Conducted During Component Period October 21, 2009 and October 21, 2014

(785402)

Item 1 December 21, 2009** For Informational Purposes Only

(792566)

Item 2 March 29, 2010** For Informational Purposes Only

(761646)

Item 3 April 13, 2010** For Informational Purposes Only

(907258)

Item 4 May 25, 2011** For Informational Purposes Only

(970000)

Item 5 December 07, 2011** For Informational Purposes Only

Item 6	July 20, 2012**	(1006631) For Informational Purposes Only
Item 7	September 20, 2013**	(1101620) For Informational Purposes Only
Item 8	February 07, 2014**	(1145768) For Informational Purposes Only
Item 9	July 03, 2014**	(1179170) For Informational Purposes Only
Item 10	October 14, 2014	(1172493) For Informational Purposes Only

* 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
CITY OF SANTA ROSA
RN101242170**

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

**AGREED ORDER
DOCKET NO. 2014-1593-PWS-E**

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 601 La Donna Avenue in Santa Rosa, Cameron County, Texas (the "Facility") that has approximately 841 service connections and serves at least 25 people per day for at least 60 days per year.

2. During investigations conducted on April 8, 2011 and July 30, 2014 through August 1, 2014, TCEQ staff documented that the elevated storage tank had corrosion on the outside and inside of the tank, the ladder and walls were corroded, and the overflow valve had a moderate amount of corrosion. The elevated storage tank was found to be in poor condition and in need of repair and painting. In addition, the 0.5 million gallon ground storage tank was found to have rust pitting and corrosion along the top seam of the tank. The ground storage tank was found to be in poor condition overall.
3. During investigations conducted on April 8, 2011 and July 30, 2014 through August 1, 2014, TCEQ staff documented that the roofing on the water treatment facility, Train A, was found to be in very poor condition with extensive rust, two of three transfer pumps on Train A were corroded beyond repair and the chlorine analyzer in the high service pump room was in disrepair.
4. During an investigation conducted on July 30, 2014 through August 1, 2014, TCEQ staff documented that the operator was operating the plant with a Class "C" license that had expired.
5. The Respondent received notice of the violations on October 8, 2014.
6. The Executive Director recognizes that on November 7, 2014, the operator renewed his Class "C" operator license.

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 ensure that the Facility's clearwells, ground storage tanks, standpipes and elevated tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to employ at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during

periods when the plant is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C).

5. 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.
6. An administrative penalty in the amount of One Thousand Six Hundred Sixty-Two Dollars (\$1,662) 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 Six Hundred Sixty-Two Dollar (\$1,662) 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 Six Hundred Sixty-Two Dollars (\$1,662) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Santa Rosa, Docket No. 2014-1593-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 180 days after the effective date of this Agreed Order:
 - i. Repair and refurbish or replace the elevated tank and the 0.5 million gallon ground storage tank so that the tanks meet current AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43;

- ii. Initiate good maintenance and housekeeping practices including but not limited to the following: repairing the roof in Train A, replacing the transfer pumps in Train A, and repairing the chlorine analyzer, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

- 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 Marcia J
For the Executive Director

5/8/15
Date

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

I understand that by entering into this Agreed Order, City of Santa Rosa 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.

Ruben Ochoa Jr.
Signature

12/23/14
Date

Ruben Ochoa Jr.

Name (Printed or typed)
Authorized Representative of
City of Santa Rosa

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.