

Executive Summary – Enforcement Matter – Case No. 49604
City of Huxley
RN101193803
Docket No. 2014-1646-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 Huxley PWS, 11798 Farm-to-Market Road 2694 near Huxley, Shelby 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: March 20, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$507

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$507

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("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: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 20, 2014 through October 31, 2014

Date(s) of NOE(s): October 31, 2014

Executive Summary – Enforcement Matter – Case No. 49604
City of Huxley
RN101193803
Docket No. 2014-1646-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5") based on a locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for 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, implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, including but not limited to providing public notification regarding the failure to maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for at least 95% of the samples tested;
- b. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision a.;
- c. Within 365 days, return to compliance with the MCL for HAA5 based on the locational running annual average; and
- d. Within 380 days, submit written certification to demonstrate compliance with Ordering Provision c.

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. 49604
City of Huxley
RN101193803
Docket No. 2014-1646-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: James Fisher, Enforcement Division,
Enforcement Team 2, MC 169, (512) 239-2537; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Prentice Hendricks, Mayor Pro-Tem, 11798 Farm-to-
Market Road 2694, Shelbyville, Texas 75973

The Honorable Larry Vaughn, Mayor, City of Huxley, 11798 Farm-to-Market Road 2694,
Shelbyville, Texas 75973

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	3-Nov-2014	Screening	4-Nov-2014	EPA Due	31-Dec-2014
	PCW	6-Nov-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Huxley
Reg. Ent. Ref. No.	RN101193803
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	49604	No. of Violations	2
Docket No.	2014-1646-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	\$350
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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	45.0% Enhancement	Subtotals 2, 3, & 7	\$157
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Notes: Enhancement for five NOV's 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: \$788
 Estimated Cost of Compliance: \$5,125
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$507
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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	\$507
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$507
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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	\$507
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Screening Date 4-Nov-2014

Docket No. 2014-1646-PWS-E

PCW

Respondent City of Huxley

Policy Revision 4 (April 2014)

Case ID No. 49604

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101193803

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>)	5	25%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 five NOVs with the same/similar violations and one agreed order with 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 4-Nov-2014

Docket No. 2014-1646-PWS-E

PCW

Respondent City of Huxley

Policy Revision 4 (April 2014)

Case ID No. 49604

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101193803

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.066 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on a locational running annual average. Specifically, the locational running annual average concentrations of HAA5 were 0.066 mg/L for the first quarter of 2014 at Stage 2 disinfectant byproducts ("DBP2") site 2, 0.085 mg/L for the second quarter of 2014 at DBP2 site 2, 0.129 mg/L for the third quarter of 2014 at DBP2 site 1, and 0.115 mg/L for the third quarter of 2014 at DBP2 site 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%).

>> Programmatic Matrix

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

Matrix Notes Exceeding the MCL for HAA5 has exposed persons served by the Facility to a significant amount of contaminants which do not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2 Number of violation days 272

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

Violation Base Penalty \$300

Two annual events are recommended (one event per DBP2 site).

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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$759

Violation Final Penalty Total \$435

This violation Final Assessed Penalty (adjusted for limits) \$435

Economic Benefit Worksheet

Respondent City of Huxley
Case ID No. 49604
Reg. Ent. Reference No. RN101193803
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)	\$5,000	31-Mar-2014	31-May-2016	2.17	\$36	\$723	\$759
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 necessary to implement an alternative method of disinfection, calculated from the last day of the first quarter of noncompliance 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

\$759

Screening Date 4-Nov-2014

Docket No. 2014-1646-PWS-E

PCW

Respondent City of Huxley

Policy Revision 4 (April 2014)

Case ID No. 49604

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101193803

Media [Statute] Public Water Supply

Enf. Coordinator Sam Keller

Violation Number 2

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

Violation Description Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for at least 95% of the samples tested in August 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$73

This violation Final Assessed Penalty (adjusted for limits) \$73

Economic Benefit Worksheet

Respondent City of Huxley
Case ID No. 49604
Reg. Ent. Reference No. RN101193803
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	20-Oct-2014	30-Jun-2015	0.69	\$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 procedures 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	1-Sep-2014	30-Sep-2014	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$125

TOTAL

\$28



Compliance History Report

PUBLISHED Compliance History Report for CN600639678, RN101193803, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN600639678, City of Huxley	Classification:	SATISFACTORY	Rating:	0.50
Regulated Entity:	RN101193803, City of Huxley	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	11798 FARM-TO-MARKET ROAD 2694 NEAR HUXLEY, SHELBY COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2100019				

Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year:	2014	Rating Date:	09/01/2014
Date Compliance History Report Prepared:	December 17, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	November 04, 2009 to November 04, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Jim Fisher	Phone:	(512) 239-2537		

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: 07/05/2014 ADMINORDER 2014-0215-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 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.086 mg/L.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 09/2013 - In the months of 08/2013 and 09/2013, more than 5.0% of the disinfectant residuals within the distribution system were below 0.5 mg/L.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 10/2013 - In the months of 09/2013 and 10/2013, more than 5.0% of the disinfectant residuals within the distribution system were below 0.5 mg/L.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(f)(6)

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

Description: SWTR Non-acute TT Violation 11/2013 - In the months of 10/2013 and 11/2013, more than 5.0% of the disinfectant residuals within the distribution system were below 0.5 mg/L.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 November 12, 2009 (782093)

E. Written notices of violations (NOV) (CEEDS 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: 12/03/2013 (1146000) CN600639678
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 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.086 mg/L.
- 2 Date: 05/06/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 1Q2014 - During the first quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .066 mg/L at Inlet at Possum Trot BS (DBP2-02).
- 3 Date: 09/30/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2014 - During the second quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .085 mg/L at Inlet of Possum Trot BS (DBP2-02).
- 4 Date: 10/21/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 3Q2014 - During the third quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .129 mg/L at 330 FM 3172 (DBP2-01); with a LRAA of .115 mg/L at Inlet of Possum Trot BS (DBP2-02).
- 5 Date: 10/28/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2014 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2014.

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 11/4/2009 and 11/4/2014

- 1 Date: 05/03/2010 (794418) CN600639678
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the backwash water meter.
- 2 Date: 06/11/2012 (996939) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: Failure to maintain a disinfectant residual of at least 0.5 milligrams per liter (mg/L) total chlorine throughout the distribution system at all times.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)
Description: Failure to label chemical feed lines.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to repair the raw water flow meter.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the turbidimeters and recorder for the turbidimeters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(3)(D)(ii)
Description: Failure to discontinue the collection of grab samples after 14 days.
- 3* Date: 12/03/2013 (1146000) CN600639678
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 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd quarter of 2013 with a RAA of 0.086 mg/L.
- 4* Date: 05/06/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 1Q2014 - During the first quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .066 mg/L at Inlet at Possum Trot BS (DBP2-02).
- 5 Date: 09/30/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2014 - During the second quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .085 mg/L at Inlet of Possum Trot BS (DBP2-02).
- 6 Date: 10/21/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 3Q2014 - During the third quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of .129 mg/L at 330 FM 3172 (DBP2-01); with a LRAA of .115 mg/L at Inlet of Possum Trot BS (DBP2-02).
- 7 Date: 10/28/2014 (1204380) CN600639678
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2014 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 08/2014.

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

Appendix B

All Investigations Conducted During Component Period November 04, 2009 and November 04, 2014

Item 1*	November 12, 2009**	(782093)
Item 2	May 03, 2010**	(794418)
Item 3	June 10, 2010**	(825411)
Item 4	July 27, 2011**	(943402)
Item 5	June 11, 2012**	(996939)
Item 6	February 03, 2014**	(1146000)
Item 7	February 07, 2014**	(1146185)
Item 8	October 28, 2014	(1204380)
Item 9	October 31, 2014	(1204575)

* 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 HUXLEY
RN101193803**

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

**AGREED ORDER
DOCKET NO. 2014-1646-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 Huxley (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 11798 Farm-to-Market Road 2694 near Huxley, Shelby County, Texas (the "Facility") that has approximately 742 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from October 20, 2014 through October 31, 2014, TCEQ staff documented that the locational running annual average concentrations of haloacetic acids ("HAA5") were 0.066 milligrams per liter ("mg/L") for the first quarter of 2014 at Stage 2 disinfectant byproducts ("DBP2") site 2, 0.085 mg/L for the second quarter of 2014 at DBP2 site 2, 0.129 mg/L for the third quarter of 2014 at DBP2 site 1, and 0.115 mg/L for the third quarter of 2014 at DBP2 site 2.
3. During a record review conducted from October 20, 2014 through October 31, 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 maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for at least 95% of the samples tested in August 2014.
4. The Respondent received notice of the violations on November 5, 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 maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on a locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) 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 maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for 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 Five Hundred Seven Dollars (\$507) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Five Hundred Seven Dollar (\$507) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Seven Dollars (\$507) 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: City of Huxley, Docket No. 2014-1646-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, implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, including but not limited to providing public notification regarding the failure to maintain a disinfectant residual of at least 0.5 mg/L of chloramine throughout the distribution system for 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.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
 - c. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115; and

- d. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. 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


For the Executive Director

5/14/15
Date

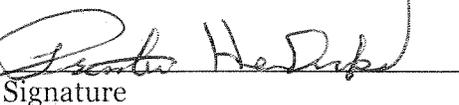
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Huxley. I am authorized to agree to the attached Agreed Order on behalf of the City of Huxley, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment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

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

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

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

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


Signature

01-16-15
Date

Prentice Hendricks - Mayor Pro-Tem
Name (Printed or typed)
Authorized Representative of
City of Huxley

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.