

Executive Summary – Enforcement Matter – Case No. 49235
MIRANDO CITY WATER SUPPLY CORPORATION
RN101455624
Docket No. 2014-1261-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mirando City WSC, located due south of the Tex-Mex Railroad and 3,000 feet due west of the intersection of State Highway 359 and Farm-to-Market Road 2895, Webb County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 11, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,880

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$11,880

Total Paid to General Revenue: \$0

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 - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49235
MIRANDO CITY WATER SUPPLY CORPORATION
RN101455624
Docket No. 2014-1261-MWD-E

Investigation Information

Complaint Date(s): June 26, 2014

Complaint Information: Alleged that a water line had broken and the wastewater treatment plant was being operated without a licensed operator.

Date(s) of Investigation: July 2, 2014

Date(s) of NOE(s): August 15, 2014

Violation Information

1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the lift station located at the intersection of 7th Street and Panther Street was not equipped with an emergency contact sign [30 TEX. ADMIN CODE § 305.125(5) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014207001, Operational Requirements No. 1].

2. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration [30 TEX. ADMIN CODE §§ 30.350(d), 305.125(1) and TPDES Permit No. WQ0014207001, Operational Requirements No. 9 and Other Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By January 19, 2015, the Respondent employed a licensed wastewater treatment operator and installed an emergency contact sign at the lift station located at the intersection of 7th Street and Panther Street.

Technical Requirements:

N/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

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Had Darling, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-2520; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Salvador Johnson, President, MIRANDO CITY WATER SUPPLY
CORPORATION, P.O. Box 57, Mirando City, Texas 78369-0057

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	18-Aug-2014	Screening	27-Aug-2014	EPA Due	
	PCW	16-Jul-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	MIRANDO CITY WATER SUPPLY CORPORATION		
Reg. Ent. Ref. No.	RN101455624		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	49235	No. of Violations	2
Docket No.	2014-1261-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Had Darling
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$8,250**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **44.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,630**

Notes: Enhancement for two NOVs with dissimilar violations and two agreed orders with 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 **\$5,640**
 Estimated Cost of Compliance **\$35,050**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$11,880**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$11,880**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$11,880**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$2,376**

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$9,504**

Screening Date 27-Aug-2014

Docket No. 2014-1261-MWD-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49235

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101455624

Media [Statute] Water Quality

Enf. Coordinator Had Darling

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 44%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations and two agreed orders with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 44%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 44%

Screening Date 27-Aug-2014

Docket No. 2014-1261-MWD-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49235

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101455624

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 1

Rule Cite(s)

30 Tex. Admin Code § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014207001, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, as documented during an investigation conducted on July 2, 2014. Specifically, the lift station located at the intersection of 7th Street and Panther Street was not equipped with an emergency contact sign.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

56 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$750

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 achieved compliance on January 19, 2015.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,080

This violation Final Assessed Penalty (adjusted for limits) \$1,080

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 49235
Reg. Ent. Reference No. RN101455624
Media Water Quality
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)	\$50	2-Jul-2014	19-Jan-2015	0.55	\$0	\$2	\$2
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

Estimated cost to provide an emergency contact sign at the lift station located at the intersection of 7th Street and Panther Street. Date required is the investigation date. Final date is the 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

TOTAL

\$2

Screening Date 27-Aug-2014

Docket No. 2014-1261-MWD-E

PCW

Respondent MIRANDO CITY WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49235

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101455624

Media [Statute] Water Quality

Enf. Coordinator Had Darling

Violation Number 2

Rule Cite(s) 30 Tex. Admin Code §§ 30.350(d), 305.125(1), and TPDES Permit No. WQ0014207001, Operational Requirements No. 9 and Other Requirements No. 1

Violation Description Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, as documented during an investigation conducted on July 2, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%). Includes Matrix Notes: Failure to employ or contract a licensed individual or wastewater operations companies will or could result in poor operation of the Facility...

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2 Number of violation days 56

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

Violation Base Penalty \$7,500

Two monthly events are recommended from the July 2, 2014 investigation date to the August 27, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes: The Respondent achieved compliance on January 19, 2015.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,638

Violation Final Penalty Total \$10,800

This violation Final Assessed Penalty (adjusted for limits) \$10,800

Economic Benefit Worksheet

Respondent MIRANDO CITY WATER SUPPLY CORPORATION
Case ID No. 49235
Reg. Ent. Reference No. RN101455624
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel	\$35,000	2-Jul-2014	27-Aug-2014	0.15	\$268	\$5,370	\$5,638
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

Estimated cost to hire an operator with the required level of competency. Date required is the investigation date. Final date is the screening date.

Approx. Cost of Compliance	\$35,000	TOTAL	\$5,638
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Compliance History Report

PUBLISHED Compliance History Report for CN600641005, RN101455624, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN600641005, Mirando City Water Supply Corporation	Classification:	SATISFACTORY	Rating:	14.77
Regulated Entity:	RN101455624, MIRANDO CITY WSC	Classification:	SATISFACTORY	Rating:	14.77
Complexity Points:	7	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	Due south of the Tex-Mex Railroad and 3,000 feet due west of the intersection of State Highway 359 and Farm-to-Market Road 2895 in Webb County, Texas				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):	WASTEWATER PERMIT WQ0014207001 WASTEWATER EPA ID TX0123307				
Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2013	Rating Date:	09/01/2013
Date Compliance History Report Prepared:	August 26, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 26, 2009 to August 26, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Herbert Darling			Phone:	(512) 239-2520

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: 07/31/2011 ADMINORDER 2010-1998-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Major
 Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: OTHER REQUIREMENTS, PAGE 23 PERMIT
 Description: Failed to have a certified operator with the proper level of license operating the Facility and the collection system. Specifically, the person employed to operate the wastewater plant did not have certification as a wastewater operator.
 Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: TPDES PERMIT PERMIT
 Description: Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, problems were noted at the main lift station and pond system. The lift station did not have an ownership sign and the audio visual alarm and telemeter were not operational. The pond system had shrubs and small trees growing in it.
- 2 Effective Date: 02/10/2012 ADMINORDER 2011-0666-MWD-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: Monit. & Report. Req. No. 1 PERMIT

Description: Failure to timely submit the DMRs for the monitoring periods ending March 31, 2010 through December 31, 2010, by the 20th day of the following month.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions PERMIT

Description: Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010.

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 22, 2010	(883444)
Item 2	May 25, 2011	(961209)
Item 3	June 03, 2011	(947370)
Item 4	July 14, 2011	(954628)
Item 5	August 10, 2011	(961210)
Item 6	September 08, 2011	(967312)
Item 7	November 01, 2011	(973262)
Item 8	December 13, 2011	(986240)
Item 9	January 17, 2012	(992608)
Item 10	February 08, 2012	(999923)
Item 11	February 16, 2012	(992599)
Item 12	April 10, 2012	(1005457)
Item 13	April 16, 2012	(1005456)
Item 14	May 16, 2012	(1018413)
Item 15	June 27, 2012	(1026116)
Item 16	July 30, 2012	(1033478)
Item 17	August 16, 2012	(1040004)
Item 18	September 20, 2012	(1048966)
Item 19	February 12, 2013	(1083174)
Item 20	March 26, 2013	(1091333)
Item 21	March 06, 2014	(1162497)
Item 22	March 17, 2014	(1162496)

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:	10/08/2013	(1121668)	CN600641005
	Self Report?	NO		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2)		
	Description:	Failure to prevent an unauthorized discharge of partially treated or untreated sewage.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(9)		

Description: Failure to notify the agency within 24 hours of becoming aware of the discharge.

2

Date:	01/17/2014 (1150004)	CN600641005		
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MIRANDO CITY WATER SUPPLY
CORPORATION
RN101455624**

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

**AGREED ORDER
DOCKET NO. 2014-1261-MWD-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MIRANDO CITY WATER SUPPLY CORPORATION ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located due south of the Tex-Mex Railroad and 3,000 feet due west of the intersection of State Highway 359 and Farm-to-Market Road 2895 in Webb County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eleven Thousand Eight Hundred Eighty Dollars (\$11,880) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. Therefore, Eleven Thousand Eight Hundred Eighty Dollars (\$11,880) of the penalty is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by January 19, 2015, the Respondent employed a licensed wastewater treatment operator and installed an emergency contact sign at the lift station located at the intersection of 7th Street and Panther Street.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN CODE § 305.125(5) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014207001, Operational Requirements No. 1, as documented during an investigation conducted on July 2, 2014. Specifically, the lift station located at the intersection of 7th Street and Panther Street was not equipped with an emergency contact sign.
2. Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or

registration, in violation of 30 TEX. ADMIN CODE §§ 30.350(d), 305.125(1) and TPDES Permit No. WQ0014207001, Operational Requirements No. 9 and Other Requirements No. 1, as documented during an investigation conducted on July 2, 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MIRANDO CITY WATER SUPPLY CORPORATION, Docket No. 2014-1261-MWD-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 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.
3. 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.
4. 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.

5. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/3/15

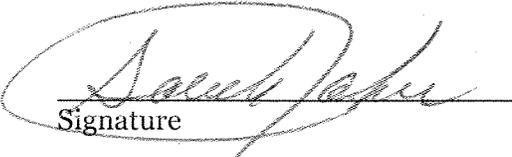
Date

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

I also understand that failure to comply with the Ordering Provisions, 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

8-6-2015

Date

Salvador Johnson

Name (Printed or typed)
Authorized Representative of
MIRANDO CITY WATER SUPPLY CORPORATION

President

Title

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