

**Executive Summary – Enforcement Matter – Case No. 50529**  
**Coleman County Special Utility District**  
**RN101212520**  
**Docket No. 2015-0735-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:**

Coleman County SUD, 214 Santa Anna Avenue, Coleman, Coleman 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:** September 11, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$672

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$672

**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 - High

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 50529**  
**Coleman County Special Utility District**  
**RN101212520**  
**Docket No. 2015-0735-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** April 27, 2015 through May 8, 2015

**Date(s) of NOE(s):** May 8, 2015

***Violation Information***

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM"), based on the locational running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director ("ED") regarding the exceedance of the MCL for TTHM [30 TEX. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. 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 ED; and

ii. Provide public notification regarding the failure to comply with the MCL for TTHM for the fourth quarter of 2014 and provide a copy of the public notification to the ED.

b. Within 45 days, submit written certification to demonstrate compliance with a.i and a.ii.

c. Within 365 days, return to compliance with the locational running annual average MCL for TTHM.

d. Within 380 days, submit written certification to demonstrate compliance with c.

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***Litigation Information***

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

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Ryan Byer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2571; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Roy Young, President, Coleman County Special Utility District, 214 Santa Anna Avenue, Coleman, Texas 76834  
Travis Rhoads, Manager, Coleman County Special Utility District, 214 Santa Anna Avenue, Coleman, Texas 76834  
**Respondent's Attorney:** N/A



<b>DATES</b>	<b>Assigned</b>	11-May-2015	<b>Screening</b>	14-May-2015	<b>EPA Due</b>	31-Mar-2015
	<b>PCW</b>	15-May-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Coleman County Special Utility District
<b>Reg. Ent. Ref. No.</b>	RN101212520
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	50529	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-0735-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ryan Byer
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

<b>Penalty Calculation Section</b>	
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> \$600
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
<b>Compliance History</b>	12.0% Enhancement <b>Subtotals 2, 3, &amp; 7</b> \$72
<b>Notes</b>	Enhancement for four NOVs with the same/similar violation, one dissimilar NOV, and a reduction for High Performer classification.
<b>Culpability</b>	No 0.0% Enhancement <b>Subtotal 4</b> \$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.
<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b> \$0
<b>Economic Benefit</b>	0.0% Enhancement* <b>Subtotal 6</b> \$0
<small>Total EB Amounts</small>	\$755
<small>Estimated Cost of Compliance</small>	\$5,125
	<small>*Capped at the Total EB \$ Amount</small>
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b> \$672
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0% <b>Adjustment</b> \$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>	
<b>Notes</b>	
	<b>Final Penalty Amount</b> \$672
<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b> \$672
<b>DEFERRAL</b>	0.0% Reduction <b>Adjustment</b> \$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>	
<b>Notes</b>	No deferral is recommended for Findings Orders.
<b>PAYABLE PENALTY</b>	<b>\$672</b>

**Screening Date** 14-May-2015

**Docket No.** 2015-0735-PWS-E

**PCW**

**Respondent** Coleman County Special Utility District

Policy Revision 4 (April 2014)

**Case ID No.** 50529

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101212520

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Ryan Byer

### 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> )	4	20%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)** 22%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for four NOVs with the same/similar violation, one dissimilar NOV, and a reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 12%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 12%

**Screening Date** 14-May-2015  
**Respondent** Coleman County Special Utility District  
**Case ID No.** 50529  
**Reg. Ent. Reference No.** RN101212520  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Ryan Byer

**Docket No.** 2015-0735-PWS-E

**PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.115(f)(1) and 290.122(b)(2)(A) and (f) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the exceedance of the MCL for TTHM. Specifically, the locational running annual average concentrations for TTHM at Stage 2 Disinfection Byproducts site 1 were 0.093 mg/L for the third quarter of 2014, 0.097 mg/L for the fourth quarter of 2014, and 0.101 mg/L for the first quarter of 2015, the locational running annual average concentrations for TTHM at Stage 2 Disinfection Byproducts site 2 were 0.104 mg/L for the third quarter of 2014, 0.107 mg/L for the fourth quarter of 2014, and 0.103 mg/L for the first quarter of 2015, and public notification regarding the exceedance of the MCL for TTHM for the fourth quarter of 2014.

**Base Penalty**

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

OR

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

**Percent**

**>> Programmatic Matrix**

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

**Percent**

Matrix Notes

Exceeding the MCL for TTHM and the failure to provide public notification caused the persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

mark only one with an x

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

**Violation Base Penalty**

Two annual events are recommended (one event for each Stage 2 Disinfection Byproducts site).

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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** Coleman County Special Utility District  
**Case ID No.** 50529  
**Reg. Ent. Reference No.** RN101212520  
**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-Sep-2014	21-Nov-2016	2.15	\$36	\$715	\$751
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	27-Apr-2015	22-Dec-2015	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	29-Nov-2014	22-Dec-2015	1.06	\$1	n/a	\$1

**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.

The training/sampling delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

The other delayed cost includes the estimated amount to ensure that all delinquent public notifications (\$25 per notification x one notification) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the public notification 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**

<b>Approx. Cost of Compliance</b>	\$5,125	<b>TOTAL</b>	\$755
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# Compliance History Report

**PUBLISHED** Compliance History Report for CN602693145, RN101212520, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN602693145, Coleman County Special Utility District	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN101212520, COLEMAN COUNTY SUD	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	214 SANTA ANNA AVENUE IN COLEMAN, COLEMAN COUNTY, TX		
<b>TCEQ Region:</b>	REGION 03 - ABILENE		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0420034      WATER LICENSING LICENSE 0420034		

<b>Compliance History Period:</b>	September 01, 2009 to August 31, 2014	<b>Rating Year:</b>	2014	<b>Rating Date:</b>	09/01/2014
<b>Date Compliance History Report Prepared:</b>	May 13, 2015				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	May 13, 2010 to May 13, 2015				

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

**Name:** Ryan Byer      **Phone:** (512) 239-2571

**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:**  
N/A
- B. Criminal convictions:**  
N/A
- C. Chronic excessive emissions events:**  
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**  
N/A
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	10/30/2014 (1248209)	CN602693145
	Self Report?	NO	Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)	

Description: TTHM LRAA MCL 3Q2014 - During the third quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at Novice Sample Site (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.093 mg/L at Burkett Sample Site (DBP2-01).

- 2 Date: 01/13/2015 (1248209) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 4Q2014 - During the fourth quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.097 mg/L at Burkett Sample Site (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.107 mg/L at Novice Sample Site (DBP2-02).
- 3 Date: 03/04/2015 (1248209) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 1Q2015 - During the first quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.103 mg/L at Novice Sample Site (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at Burkett Sample Site (DBP2-01).
- 4 Date: 03/06/2015 (1229495) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain the distribution system in water tight conditions.
- 5 Date: 04/30/2015 (1248366) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: TTHM DBP2 MCL PN 4Q2014 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 required for a violation of the maximum contaminant level for trihalomethanes during the fourth quarter of 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 5/13/2010 and 5/13/2015

- 1 Date: 04/26/2013 (1086281) CN602693145  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to maintain the base of the Silver Valley GST so that the base is not undercut.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(10)  
30 TAC Chapter 290, SubChapter D 290.43(c)(2)  
30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
Description: Failure to provide a tank at the silver valley PS that has a primary roof opening and lower ring manway that is 30 inches in diameter, and overflow that reaches the ground, and is maintained in accordance with AWWA standards.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide an overflow that reaches the ground and has no gap more than 1/16 an inch at pump station at pump station 9.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)  
Description: Failure to maintain the Silver Valley standpipe in such a way as there is no seeps at the base.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(H)  
Description: Failure to provide emergency power to all pump stations that do not meet the elevated storage capacity.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 291, SubChapter F 291.93(3)  
Description: Failure for a retail public utility that possesses a certificate of public convenience and necessity to submit a planning report that clearly explains how the retail public utility will provide the expected service demands to the remaining areas within the boundaries of its certificated area once the system has reached 85% of its capacity.
- 2 Date: 10/30/2014 (1248209) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 3Q2014 - During the third quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at Novice Sample Site (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.093 mg/L at Burkett Sample Site (DBP2-01).
- 3 Date: 01/13/2015 (1248209) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 4Q2014 - During the fourth quarter of 2014 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.097 mg/L at Burkett Sample Site (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.107 mg/L at Novice Sample Site (DBP2-02).
- 4 Date: 03/04/2015 (1248209) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 1Q2015 - During the first quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.103 mg/L at Novice Sample Site (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at Burkett Sample Site (DBP2-01).
- 5 Date: 03/06/2015 (1229495) CN602693145  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)  
Description: Failure to maintain the distribution system in water tight conditions.

Date: 04/30/2015 (1248366)

CN602693145

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP2 MCL PN 4Q2014 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 required for a violation of the maximum contaminant level for trihalomethanes during the fourth quarter of 2014.

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

**Appendix B**

**All Investigations Conducted During Component Period May 13, 2010 and May 13, 2015**

Item 1	July 23, 2010**	(842024)
Item 2	April 26, 2013**	(1086281)
Item 3	September 13, 2013**	(1113641)
Item 4	May 05, 2015	(1248209)
Item 5	May 07, 2015	(1248366)
Item 6	May 08, 2015	(1248483)

\* 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  
COLEMAN COUNTY SPECIAL  
UTILITY DISTRICT  
RN101212520**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2015-0735-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 Coleman County Special Utility District (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

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

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 214 Santa Anna Avenue in Coleman, Coleman County, Texas (the "Facility") that has approximately

2,487 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from April 27, 2015 through May 8, 2015, TCEQ staff documented that the locational running annual average concentrations for total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts site 1 were 0.093 milligrams per liter ("mg/L") for the third quarter of 2014, 0.097 mg/L for the fourth quarter of 2014, and 0.101 mg/L for the first quarter of 2015, the locational running annual average concentrations for TTHM at Stage 2 Disinfection Byproducts site 2 were 0.104 mg/L for the third quarter of 2014, 0.107 mg/L for the fourth quarter of 2014, and 0.103 mg/L for the first quarter of 2015, and public notification regarding the exceedance of the MCL for TTHM for the fourth quarter of 2014.
3. The Respondent received notice of the violations on May 13, 2015.

## **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 0.080 mg/L for TTHM, based on the locational running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the exceedance of the MCL for TTHM, in violation of 30 TEX. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. 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.
4. An administrative penalty in the amount of Six Hundred Seventy-Two Dollars (\$672) 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 Six Hundred Seventy-Two Dollar (\$672) 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 Six Hundred Seventy-Two Dollars (\$672) as set forth in Section II, Paragraph 4 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: Coleman County Special Utility District, Docket No. 2015-0735-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. 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, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
    - ii. Provide public notification regarding the failure to comply with the MCL for TTHM for the fourth quarter of 2014 and provide a copy of the public notification to the Executive Director, 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 Nos. 2.a.i and 2.a.ii.
  - c. Within 365 days after the effective date of this Agreed Order, return to compliance with the locational running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.115.
  - 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 Water Supply 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

Pommo Manning  
For the Executive Director

11/19/15  
Date

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

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

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

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

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

Travis Rhoads  
Signature

8/4/15  
Date

Travis Rhoads  
Name (Printed or typed)  
Authorized Representative of  
Coleman County Special Utility District

Manager  
Title

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