

Executive Summary – Enforcement Matter – Case No. 51261

City of Petrolia

RN102677937

Docket No. 2015-1391-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 Petrolia PWS, 109 South Central Avenue, Petrolia, Clay County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 25, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$840

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$840

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 - Unclassified

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: July 13, 2015 through August 14, 2015

Date(s) of NOE(s): August 14, 2015

Executive Summary – Enforcement Matter – Case No. 51261
City of Petrolia
RN102677937
Docket No. 2015-1391-PWS-E

Violation Information

1. 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 [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to collect annual lead and copper tap samples at the required ten sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director ("ED") by the tenth day of the month following the end of the monitoring period [30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed by a TCEQ approved laboratory, and the results reported to the ED within ten days following the end of each monitoring period;
- b. Within 45 days, submit written certification to demonstrate compliance with a.;
- c. Within 90 days, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the ED within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one annual compliant monitoring period;
- d. Within 365 days, return to compliance with the MCL for TTHM based on the locational running annual average;
- e. Within 380 days, submit written certification to demonstrate compliance with d.; and
- f. Within 470 days, submit written certification to demonstrate compliance with c.

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City of Petrolia

RN102677937

Docket No. 2015-1391-PWS-E

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: Jim Fisher, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2537; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Bill Holmberg, Mayor, City of Petrolia, P.O. Box 154, Petrolia, Texas 76377

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	17-Aug-2015	Screening	21-Aug-2015	EPA Due	30-Sep-2015
	PCW	15-Sep-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Petrolia
Reg. Ent. Ref. No.	RN102677937
Facility/Site Region	3-Abilene
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	51261	Order Type	Findings
Docket No.	2015-1391-PWS-E	Government/Non-Profit	Yes
Media Program(s)	Public Water Supply	Enf. Coordinator	Jim Fisher
Multi-Media		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	\$600
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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	40.0% Enhancement	Subtotals 2, 3, & 7	\$240
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Notes: Enhancement for three NOV's with the same/similar violations and one agreed order without 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	\$1,634	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$840
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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	\$840
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$840
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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	\$840
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Screening Date 21-Aug-2015

Docket No. 2015-1391-PWS-E

PCW

Respondent City of Petrolia

Policy Revision 4 (April 2014)

Case ID No. 51261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102677937

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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>)	3	15%
	Other written NOVs	0	0%
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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 40%

>> 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 three NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 21-Aug-2015

Docket No. 2015-1391-PWS-E

PCW

Respondent City of Petrolia

Policy Revision 4 (April 2014)

Case ID No. 51261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102677937

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, it was documented that the locational running annual average concentration of TTHM at Stage 2 Disinfection Byproducts Site 2 was 0.081 mg/L for the second quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM caused customers of the Facility to be exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 90

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$150

One annual 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$614

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

Economic Benefit Worksheet

Respondent City of Petrolia
Case ID No. 51261
Reg. Ent. Reference No. RN102677937
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-Jun-2015	31-Mar-2017	1.75	\$29	\$584	\$614
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement an alternative form of disinfection, calculated from the last date 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

\$614

Screening Date 21-Aug-2015

Docket No. 2015-1391-PWS-E

PCW

Respondent City of Petrolia

Policy Revision 4 (April 2014)

Case ID No. 51261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102677937

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.117(c)(2)(B) and (i)(1)

Violation Description

Failed to collect annual lead and copper tap samples at the required ten sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period for the 2011, 2013 and 2014 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect lead and copper samples could expose customers of the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3

1095 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$450

Three annual events are 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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,020

Violation Final Penalty Total \$630

This violation Final Assessed Penalty (adjusted for limits) \$630

Economic Benefit Worksheet

Respondent City of Petrolia
Case ID No. 51261
Reg. Ent. Reference No. RN102677937
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	13-Jul-2015	30-Apr-2016	0.80	\$4	n/a	\$4
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 costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected, analyzed and the results are released by the Facility's laboratories and reported to the Executive Director, 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]							
	\$300	1-Jan-2011	31-Dec-2011	1.92	\$29	\$300	\$329
Other (as needed)	\$600	1-Jan-2013	31-Dec-2014	2.92	\$87	\$600	\$687

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x ten required samples x three monitoring periods), calculated for the time periods sampling was required.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,020

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Compliance History Report

PUBLISHED Compliance History Report for CN600860720, RN102677937, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent: CN600860720, City of Petrolia **Classification:** SATISFACTORY **Rating:** 19.28
Regulated Entity: RN102677937, CITY OF PETROLIA **Classification:** UNCLASSIFIED **Rating:** -----
Complexity Points: 4 **Repeat Violator:** NO
CH Group: 14 - Other
Location: 109 SOUTH CENTRAL AVENUE IN PETROLIA, CLAY COUNTY, TEXAS
TCEQ Region: REGION 03 - ABILENE

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0390002 **WATER LICENSING LICENSE** 0390002
MUNICIPAL SOLID WASTE PROCESSING PERMIT 120021

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

Date Compliance History Report Prepared: August 21, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 21, 2010 to August 21, 2015

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: 02/10/2013 ADMINORDER 2012-1235-PWS-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: TTHM MCL 2Q2011 - The system violated the maximum contaminant level for trihalomethanes during the second quarter of 2011.
 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 4Q2011 - The system violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2011.
 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 3Q2011 - The system violated the maximum contaminant level for trihalomethanes during the third quarter of 2011.
 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 1Q2012 - The system violated the maximum contaminant level for trihalomethanes during the first quarter of 2012.

B. Criminal convictions: N/A

C. Chronic excessive emissions events: N/A

D. The approval dates of investigations 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: 11/10/2014 (1266665) CN600860720
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR YR2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2014 to 12/31/2014 within the required timeline.

- 2 Date: 07/10/2015 (1266665) CN600860720
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 902 S Cental (DBP2-02).

- 3 Date: 07/31/2015 (1268960) CN600860720
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR YR2013 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2013 to 12/31/2013 within the required timeline.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR YR2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2011 to 12/31/2011 within the required timeline.

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

Respondent: CN600860720, City of Petrolia

Regulated Entity: RN102677937, CITY OF PETROLIA

Component Appendices

Appendix A - All NOV's Issued During Component Period 8/21/2010 and 8/21/2015

1	Date: 04/05/2011 (905691)	CN600860720	Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
	Description: Failure to conduct tank inspection on all tanks once a year.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)		
	Description: Failure to have a plumbing ordinance or service agreement.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
	Description: Failure to test the backflow prevention device at the car wash at least annually.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)		
	Description: Failure to have the well drillers log for all the wells except the Dowdy 1, 2 and 3.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)		
	Description: Failure to have a drought contingency plan.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)		
	Description: Failure to have a plant operations manual.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
	Description: Failure to have an overflow that is accessible by a ladder or balcony for inspection purposes.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)		
	Description: Failure to have an all-weather access road for both well fields.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
	Description: Failure to have operating records accessible for review during the inspection.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
	Description: Failure to provide a flow meter for each well.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(D)(i)		
	Description: Failure to continuously monitor the turbidity of the combined filter effluent and record the turbidity value every 15 minutes.		Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)		
	Description: Failure to monitor the chlorine residual of treated water at least twice a day.		Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(5)(F)
Description: Failure to have plant provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods when the plant is not staffed.

2 **Date: 12/27/2011 (1006956) CN600860720**
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 3Q2011 - The system violated the maximum contaminant level for trihalomethanes during the third quarter of 2011.

3 **Date: 03/28/2012 (1006698) CN600860720**
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 2Q2011 - The system violated the maximum contaminant level for trihalomethanes during the second quarter of 2011.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM MCL 4Q2011 - The system violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2011.

4 **Date: 11/09/2012 (1043654) CN600860720**
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
Description: Failure to notify the TCEQ when issuing a boil water notice.

5* **Date: 03/19/2014 (1156829) CN600860720**
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
Description: Failure to provide a flow meter for each well.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide a concrete sealing block on Groves well #6 and provide a concrete sealing block that is not cracked on Groves well #2.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)
Description: Failure to provide a vent with a 1/16 mesh screen on Groves #4, #5, Dowdy #4 and #7.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to provide an intruder resistant fence on Groves Well #3.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain the tanks at Daily-Groves Field in strict accordance with AWWA standards.

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(I)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II)

Description: Failure to provide a log of the amount of water treated each day.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to inspect all the water storage tanks in the past year.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain records in such a way as they are accessible during an inspection.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to provide copies of well completion data during the investigation.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a copy of the sanitary control easement during the inspection.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.39(l)(4)
30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate the well meters and surface water treatment plant meters.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.116(a)(1)

Description: Failure to notify the TCEQ when the system is not meeting the requirements of the 4-Log removal.

6 Date: 11/10/2014 (1266665) CN600860720
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: LCR RD MR YR2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2014 to 12/31/2014 within the required timeline.

7 Date: 07/10/2015 (1266665) CN600860720
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.081 mg/L at 902 S Cental (DBP2-02).

8 Date: 07/31/2015 (1268960) CN600860720
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

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

Self Report? NO For Informational Purposes Only

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

Description: LCR RD MR YR2011 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2011 to 12/31/2011 within the required timeline.

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

Appendix B**All Investigations Conducted During Component Period August 21, 2010 and August 21, 2015**

Item 1	April 05, 2011**	(905691) For Informational Purposes Only
Item 2	May 03, 2011**	(915201) For Informational Purposes Only
Item 3	June 16, 2011**	(933329) For Informational Purposes Only
Item 4	October 14, 2011**	(957301) For Informational Purposes Only
Item 5	December 27, 2011**	(1006956) For Informational Purposes Only
Item 6	April 13, 2012**	(996747) For Informational Purposes Only
Item 7	May 16, 2012**	(1006698) For Informational Purposes Only
Item 8	May 28, 2012**	(1007034) For Informational Purposes Only
Item 9	August 15, 2012**	(1022614) For Informational Purposes Only
Item 10	November 13, 2012**	(1043853) For Informational Purposes Only
Item 11	February 01, 2013**	(1055834) For Informational Purposes Only
Item 12	March 06, 2013**	(1073187) For Informational Purposes Only
Item 13	March 19, 2014**	(1156829) For Informational Purposes Only
Item 14	April 02, 2014**	(1094705) For Informational Purposes Only
Item 15	September 17, 2014	(1195845) For Informational Purposes Only
Item 16	July 31, 2015	(1266665) For Informational Purposes Only
Item 17	August 10, 2015	(1268960) For Informational Purposes Only
Item 18	August 14, 2015	(1272789) For Informational Purposes Only

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING THE
CITY OF PETROLIA
RN102677937

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§
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§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2015-1391-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 Petrolia (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 109 South Central Avenue in Petrolia, Clay County, Texas (the "Facility") that has approximately 360 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from July 13, 2015 through August 14, 2015, TCEQ staff documented that the Respondent did not 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. Specifically, it was documented that the locational running annual average concentration of TTHM at Stage 2 Disinfection Byproducts Site 2 was 0.081 mg/L for the second quarter of 2015.
3. During a record review conducted from July 13, 2015 through August 14, 2015, TCEQ staff documented that the Respondent did not collect lead and copper tap samples at the required ten sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period for the 2011, 2013 and 2014 monitoring periods.
4. The Respondent received notice of the violations on August 19, 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 MCL of 0.080 mg/L for TTHM, based on the 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 collect annual lead and copper tap samples at the required ten sample sites, have the samples analyzed at a TCEQ approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (i)(1).
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 Eight Hundred Forty Dollars (\$840) 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 Eight Hundred Forty Dollar (\$840) 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 Eight Hundred Forty Dollars (\$840) 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 Petrolia, Docket No. 2015-1391-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 improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper samples are collected, analyzed by a TCEQ approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
 - c. Within 90 days after the effective date of this Agreed Order, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon one annual compliant monitoring period;
 - d. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115;

- e. Within 380 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.; and
- f. Within 470 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 effective date of this Order is the date it is signed by the Commission. 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

Date

Pam Morris

For the Executive Director

2/18/16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Petrolia. I am authorized to agree to the attached Agreed Order on behalf of the City of Petrolia, 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 Petrolia 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.

Bill Holmberg

Signature

1-4-2015

Date

BILL HOLMBERG

Name (Printed or typed)
Authorized Representative of
City of Petrolia

MAYOR

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.