

Executive Summary – Enforcement Matter – Case No. 51398

WTG FUELS, INC.

RN102252459

Docket No. 2015-1542-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:

UNCLES 130205, 4921 East Loop 250 North near Midland, Midland County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 5, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,163

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,163

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 - High

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: September 8, 2015 through October 2, 2015

Date(s) of NOE(s): October 2, 2015

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WTG FUELS, INC.

RN102252459

Docket No. 2015-1542-PWS-E

Violation Information

1. Failed to collect a routine distribution water sample for coliform analysis [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].
2. Failed to collect a raw groundwater source *Escherichia coli* sample from the one active source within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification and submit a copy of the public notification to the Executive Director (“ED”) regarding the failure to collect a raw groundwater source *Escherichia coli* sample [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(C) and 290.122(c)(2)(A) and (f)].
3. Failed to provide public notification and submit a copy of the public notification to the ED regarding exceedance of the acute maximum contaminant level for nitrate and the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Begin complying with applicable coliform monitoring requirements by conducting routine coliform monitoring, collecting one raw groundwater source *Escherichia coli* sample for each groundwater source in use at the time of the distribution coliform-positive samples were collected and by providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;
 - ii. 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 each public notification is submitted to the ED; and
 - iii. Provide public notification regarding the failure to conduct routine coliform monitoring for the months of October 2011 and April 2012, the failure to collect the raw groundwater source *Escherichia coli* sample for June 2012, the exceedance of the acute maximum contaminant level for nitrate for the fourth quarter of 2014 and the first and second quarters of 2015, and provide a copy of the public notification to the ED.

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

c. Within 225 days, submit written certification to demonstrate compliance with a.i.

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; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Al Bartz, Water Systems Operator, WTG FUELS, INC., P.O. Box 3514, Midland, Texas 79702-3514

Larry Mills, Chief Executive Officer, WTG FUELS, INC., P.O. Box 3514, Midland, Texas 79702-3514

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	5-Oct-2015	Screening	13-Oct-2015	EPA Due	31-Dec-2015
	PCW	14-Oct-2015				

RESPONDENT/FACILITY INFORMATION	
Respondent	WTG FUELS, INC.
Reg. Ent. Ref. No.	RN102252459
Facility/Site Region	7-Midland
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	51398	No. of Violations	3
Docket No.	2015-1542-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Adjustment** **Subtotals 2, 3, & 7**

Notes Enhancement for six NOV's with the same/similar violations and one agreed order without a denial of liability.

Culpability **0.0%** **Enhancement** **Subtotal 4**

Notes The Respondent does not meet the culpability criteria.

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

Economic Benefit **0.0%** **Enhancement*** **Subtotal 6**

Total EB Amounts	\$87
Estimated Cost of Compliance	\$205

*Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Enhancement to capture the avoided costs of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Reduction** **Adjustment**

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

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 13-Oct-2015

Docket No. 2015-1542-PWS-E

PCW

Respondent WTG FUELS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51398

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102252459

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>)	6	30%
	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%
<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) 55%

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

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 55%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 55%

Screening Date 13-Oct-2015

Docket No. 2015-1542-PWS-E

PCW

Respondent WTG FUELS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51398

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102252459

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(2)(A)(i) and Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to collect a routine distribution water sample for coliform analysis for the months of May 2015 and June 2015.

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 routine distribution coliform samples may expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$300

Two monthly 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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$498

This violation Final Assessed Penalty (adjusted for limits) \$498

Economic Benefit Worksheet

Respondent WTG FUELS, INC.
Case ID No. 51398
Reg. Ent. Reference No. RN102252459
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-May-2015	30-Jun-2015	1.08	\$3	\$50	\$53
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect a routine distribution coliform sample (\$25 per sample x two missed samples), calculated for the months sampling was not conducted.

Approx. Cost of Compliance \$50

TOTAL \$53

Screening Date 13-Oct-2015
Respondent WTG FUELS, INC.
Case ID No. 51398
Reg. Ent. Reference No. RN102252459
Media [Statute] Public Water Supply
Enf. Coordinator Ryan Byer

Docket No. 2015-1542-PWS-E

PCW

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

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(4)(C) and 290.122(c)(2)(A) and (f)
Violation Description
 Failed to collect raw groundwater source Escherichia coli samples from the one active source within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of June 2012 and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect a raw groundwater source Escherichia coli sample for the month of June 2012.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Failure to perform raw groundwater source monitoring and provide public notification could result in customers of the Facility being exposed to undetected contaminants which would exceed levels protective of human health.					

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One monthly event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent WTG FUELS, INC.
Case ID No. 51398
Reg. Ent. Reference No. RN102252459
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
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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	8-Sep-2015	17-May-2016	0.69	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	30-Sep-2012	17-May-2016	3.63	\$1	n/a	\$1

The delayed costs include the estimated amount to implement procedures 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.

Notes for DELAYED costs

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$5 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)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$25	29-Jun-2012	30-Jun-2012	0.00	\$0	\$25	\$25
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount to collect all required raw groundwater source samples (\$25 per sample x one active source), calculated for the 24-hour period after the notice of the coliform-positive result in June 2012.

Approx. Cost of Compliance \$130

TOTAL \$29

Screening Date 13-Oct-2015

Docket No. 2015-1542-PWS-E

PCW

Respondent WTG FUELS, INC.

Policy Revision 4 (April 2014)

Case ID No. 51398

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102252459

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 3

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

Violation Description Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding exceedance of the acute maximum contaminant level for nitrate for the fourth quarter of 2014, and the first and second quarters of 2015, and the failure to conduct routine coliform monitoring for the months of October 2011 and April 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (5.0%).

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 5 Number of violation days 366

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event. Single event is marked with an 'x'.

Violation Base Penalty \$250

Five single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A. N/A is marked with an 'x'.

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$415

This violation Final Assessed Penalty (adjusted for limits) \$415

Economic Benefit Worksheet

Respondent WTG FUELS, INC.
Case ID No. 51398
Reg. Ent. Reference No. RN102252459
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$25	31-Jan-2012	17-May-2016	4.30	\$5	n/a	\$5

Notes for DELAYED costs

The delayed costs to implement improvements to the Facility's process procedures, guidance, training, and/or oversight are captured in the economic benefit worksheet of Violation No. 2.

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$5 per notification x five notifications) 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 earliest 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

Approx. Cost of Compliance

\$25

TOTAL

\$5



Compliance History Report

PENDING Compliance History Report for CN602647752, RN102252459, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN602647752, WTG FUELS, INC.	Classification:	SATISFACTORY	Rating:	0.78
Regulated Entity:	RN102252459, UNCLES 130205	Classification:	HIGH	Rating:	0.00
Complexity Points:	3	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	4921 EAST LOOP 250 NORTH NEAR MIDLAND, MIDLAND COUNTY, TEXAS				
TCEQ Region:	REGION 07 - MIDLAND				
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 16297 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1650117				
Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year:	2015	Rating Date:	09/01/2015
Date Compliance History Report Prepared:	October 13, 2015				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	October 13, 2010 to October 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:

- 1 Effective Date: 10/05/2014 ADMINORDER 2014-0293-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 07/29/2013.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 4Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 12/12/2013.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 12, 2012	(1043991)
Item 2	April 15, 2013	(1085183)
Item 3	July 20, 2013	(1102405)
Item 4	August 06, 2014	(1186090)

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: 01/08/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL 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 nitrate during the 4th quarter of 2014.

- 2 Date: 05/26/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 1Q2015 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 nitrate during the 1st quarter of 2015.

- 3 Date: 07/16/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 05/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

- 4 Date: 08/31/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 2Q2015 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 nitrate during the 2nd quarter of 2015.

- 5 Date: 09/15/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 06/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

- 6 Date: 09/21/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: APR/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2012.

F. Environmental audits:

Pending Compliance History Report for CN602647752, RN102252459, Rating Year 2015 which includes Compliance History (CH) components from October 13, 2010, through October 13, 2015.

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 NOV's Issued During Component Period 10/13/2010 and 10/13/2015

- 1 Date: 03/15/2012 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2011 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 10/2011.
- 2 Date: 11/06/2012 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
Description: GWR Triggered Source MR Violation 06/2012 - Failure to collect and/or report any triggered source monitoring samples following a coliform found result for 1 source within the required timeline.
- 3 Date: 12/14/2012 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: JUN/2012 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 06/2012.
- 4 Date: 08/14/2013 (1145737) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 3Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 07/29/2013.
- 5 Date: 01/22/2014 (1145737) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)
5A THSC Chapter 341, SubChapter A 341.031(a)
Description: NO3 AMCL 4Q2013 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 11 mg/L collected on 12/12/2013.
- 6* Date: 01/08/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL 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 nitrate during the 4th quarter of 2014.
- 7* Date: 05/26/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 1Q2015 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 nitrate during the 1st quarter of 2015.
- 8* Date: 07/16/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Pending Compliance History Report for CN602647752, RN102252459, Rating Year 2015 which includes Compliance History (CH) components from October 13, 2010, through October 13, 2015.

Description: 30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
TCR Routine MR Violation 05/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.

- 9* Date: 08/31/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(3)(C)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: NO3 AMCL PN 2Q2015 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 nitrate during the 2nd quarter of 2015.
- 10 Date: 09/15/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
30 TAC Chapter 290, SubChapter F 290.109(f)(5)
30 TAC Chapter 290, SubChapter F 290.109(f)(7)
Description: TCR Routine MR Violation 06/2015 - Failure to collect and/or submit any routine monitoring samples within the required timeline.
- 11 Date: 09/21/2015 (1281778) CN602647752
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: APR/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2012.

* NOV's applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period October 13, 2010 and October 13, 2015

Item 1*	November 12, 2012**	(1043991)
Item 2*	April 15, 2013**	(1085183)
Item 3*	July 20, 2013**	(1102405)
Item 4	February 03, 2014**	(1145737)
Item 5	February 07, 2014**	(1146162)
Item 6*	August 06, 2014**	(1186090)
Item 7	September 28, 2015	(1281778)
Item 8	October 02, 2015	(1281928)

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WTG FUELS, INC.
RN102252459**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2015-1542-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 WTG FUELS, INC. (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 4921 East Loop 250 North near Midland, Midland County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from September 8, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not collect a routine distribution water sample for coliform analysis for the months of May 2015 and June 2015.
3. During a record review conducted from September 8, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not collect raw groundwater source *Escherichia coli* samples from the one active source within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of June 2012 and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect a raw groundwater source *Escherichia coli* sample for the month of June 2012.
4. During a record review conducted from September 8, 2015 through October 2, 2015, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding exceedance of the acute maximum contaminant level for nitrate for the fourth quarter of 2014 and the first and second quarters of 2015, and the failure to conduct routine coliform monitoring for the months of October 2011 and April 2012.
5. The Respondent received notice of the violations on October 14, 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 collect a routine distribution water sample for coliform analysis, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect a raw groundwater source *Escherichia coli* sample from the one active source within 24 hours of notification of a distribution total coliform-positive result on a routine sample and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect a raw groundwater source *Escherichia coli* sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(C) and 290.122(c)(2)(A) and (f).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding exceedance of the acute maximum contaminant level for nitrate and the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).

5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of One Thousand One Hundred Sixty-Three Dollars (\$1,163) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand One Hundred Sixty-Three Dollar (\$1,163) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand One Hundred Sixty-Three Dollars (\$1,163) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: WTG FUELS, INC., Docket No. 2015-1542-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. Begin complying with applicable coliform monitoring requirements by conducting routine coliform monitoring, collecting one raw groundwater source *Escherichia coli* sample for each groundwater source in use at the time of the distribution coliform-positive samples were collected and by providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting;

- ii. 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 each public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
 - iii. Provide public notification regarding the failure to conduct routine coliform monitoring for the months of October 2011 and April 2012, the failure to collect the raw groundwater source *Escherichia coli* sample for June 2012, the exceedance of the acute maximum contaminant level for nitrate for the fourth quarter of 2014 and the first and second quarters of 2015, 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.c. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii and 2.a.iii.
- c. Within 225 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.a.i. 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



For the Executive Director

5/26/16

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of WTG FUELS, INC. I am authorized to agree to the attached Agreed Order on behalf of WTG FUELS, INC., 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, WTG FUELS, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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



Signature

12-16-2015

Date

A. Baeriz

Name (Printed or typed)
Authorized Representative of
WTG FUELS, INC.

WATER SYSTEMS OFFICIAL

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.