

Executive Summary – Enforcement Matter – Case No. 51774

City of Center

RN101390409

Docket No. 2016-0107-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 Center PWS, 617 Tenaha Street, Center, Shelby County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 6, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,215

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,215

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: Yes

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: December 14 through 30, 2015

Date(s) of NOE(s): December 30, 2015

Executive Summary – Enforcement Matter – Case No. 51774
City of Center
RN101390409
Docket No. 2016-0107-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter for haloacetic acids 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 comply with the MCL of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days:
 - i. Return to compliance with the MCL for haloacetic acids based on the locational running annual average; and
 - ii. Return to compliance with the MCL for total trihalomethanes based on the locational running annual average.
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 51774
City of Center
RN101390409
Docket No. 2016-0107-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Austin Henck, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-6155; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Chad D. Nehring, City Manager, City of Center, P.O. Box 1744, Center,
Texas 75935-1744

The Honorable David Chadwick, Mayor, City of Center, P.O. Box 1744, Center, Texas
75935-1744

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

DATES	Assigned	4-Jan-2016	Screening	15-Jan-2016	EPA Due	31-Mar-2016
	PCW	25-Jan-2016				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Center		
Reg. Ent. Ref. No.	RN101390409		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	51774	No. of Violations	2
Docket No.	2016-0107-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Austin Henck
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$900
---	-------------------	-------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	35.0% Adjustment	Subtotals 2, 3, & 7	\$315
---------------------------	------------------	--------------------------------	-------

Notes: Enhancement for three NOV's with same or similar violations and one agreed order with denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$775
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,215
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,215
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,215
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	-----

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	\$1,215
------------------------	---------

Screening Date 15-Jan-2016

Docket No. 2016-0107-PWS-E

PCW

Respondent City of Center

Policy Revision 4 (April 2014)

Case ID No. 51774

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101390409

Media [Statute] Public Water Supply

Enf. Coordinator Austin Henck

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

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) 35%

>> 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 same or similar violations and one agreed order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 15-Jan-2016

Docket No. 2016-0107-PWS-E

PCW

Respondent City of Center

Policy Revision 4 (April 2014)

Case ID No. 51774

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101390409

Media [Statute] Public Water Supply

Enf. Coordinator Austin Henck

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 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average, as documented during a record review conducted from December 14 through December 30, 2015. Specifically, the locational running annual average concentration for HAA5 for Stage 2 Disinfection Byproducts Site 1 was 0.065 mg/L for the fourth quarter of 2015 and the locational running annual average concentrations for HAA5 for Stage 2 Disinfection Byproducts Site 2 ("DBP2-02") were 0.069 mg/L for the second quarter of 2015, 0.079 mg/L for the third quarter of 2015, and 0.093 mg/L for the fourth quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). An 'X' is marked in the Actual/Moderate cell.

>> Programmatic Matrix

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

Matrix Notes Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 274

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

Violation Base Penalty \$600

Two annual events are recommended; one for each Site.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$775

Violation Final Penalty Total \$810

This violation Final Assessed Penalty (adjusted for limits) \$810

Economic Benefit Worksheet

Respondent City of Center
Case ID No. 51774
Reg. Ent. Reference No. RN101390409
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Jun-2015	15-Sep-2017	2.21	\$37	\$738	\$775
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to implement an alternative method of disinfection. The date required is the last day of the first quarter of noncompliance and the final date is 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

\$775

Screening Date 15-Jan-2016

Docket No. 2016-0107-PWS-E

PCW

Respondent City of Center

Policy Revision 4 (April 2014)

Case ID No. 51774

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101390409

Media [Statute] Public Water Supply

Enf. Coordinator Austin Henck

Violation Number 2

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 MCL of 0.080 mg/L for total trihalomethanes ("TTHM"), based on the locational running annual average, as documented during a record review conducted from December 14 through December 30, 2015. Specifically, the locational running annual average concentration for TTHM for DBP2-02 was 0.083 mg/L for the third quarter of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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

Adjustment \$700

\$300

Violation Events

Number of Violation Events 1

91 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

mark only one with an x

Violation Base Penalty \$300

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 \$300

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$405

This violation Final Assessed Penalty (adjusted for limits) \$405

Economic Benefit Worksheet

Respondent City of Center
Case ID No. 51774
Reg. Ent. Reference No. RN101390409
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

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

See Economic Benefit Worksheet for Violation No. 1.

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

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600254270, RN101390409, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600254270, City of Center **Classification:** SATISFACTORY **Rating:** 3.40

Regulated Entity: RN101390409, City of Center **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 617 TENAHA STREET, CENTER, SHELBY COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2100001; WATER LICENSING LICENSE 2100001

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: January 14, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 14, 2011 to January 14, 2016

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

Name: Austin Henck **Phone:** (512) 239-6155

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: 12/19/2011 ADMINORDER 2011-0951-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
Description: Failure to maintain complete records of complaints, including the date, location and nature of the water quality, pressure, or outage complaint received and the results of any subsequent complaint investigation.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
30 TAC Chapter 290, SubChapter D 290.46(q)(2)
Description: Failure to issue a boil water notification to the customers of the Facility within 24 hours of a water outage using the prescribed notification format as specified in 30 Tex. Admin. Code § 290.47(e).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

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

- 1 Date: 05/12/2015 (1300638) CN600254270
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at 1957 Old San Augustine St (DBP2-02).
- 2 Date: 10/16/2015 (1300638) CN600254270
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.079 mg/L at 1957 Old San Augustine St (DBP2-02); and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1957 Old San Augustine St (DBP2-02).
- 3 Date: 12/15/2015 (1300638) CN600254270
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 4Q2015 - During the 4th quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.093 mg/L at 1957 Old San Augustine St (DBP2-02); and violated the maximum contaminant level for haloacetic acids with a LRAA of 0.065 mg/L at 397 FM 1656, Center TX (DBP2-01).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 1/14/2011 and 1/14/2016

- 1 Date: 06/15/2012 (1002986) CN600254270
Classification: Minor
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain the backflow prevention assembly at McMullen Family Practice.
- 2* Date: 05/12/2015 (1300638) CN600254270
Classification: Moderate
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at 1957 Old San Augustine St (DBP2-02).
- 3 Date: 10/16/2015 (1300638) CN600254270
Classification: Moderate
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5/TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.079 mg/L at 1957 Old San Augustine St (DBP2-02); and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1957 Old San Augustine St (DBP2-02).
- 4 Date: 12/15/2015 (1300638) CN600254270
Classification: Moderate
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 4Q2015 - During the 4th quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.093 mg/L at 1957 Old San Augustine St (DBP2-02); and violated the maximum contaminant level for haloacetic acids with a LRAA of 0.065 mg/L at 397 FM 1656, Center TX (DBP2-01).

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

Appendix B

All Investigations Conducted During Component Period January 14, 2011 and January 14, 2016

- Item 1 June 15, 2012** (1002986) **For Informational Purposes Only**
- Item 2 December 21, 2015 (1300638) **For Informational Purposes Only**
- Item 3 December 30, 2015 (1300695) **For Informational Purposes Only**

* 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
CITY OF CENTER
RN101390409**

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

**AGREED ORDER
DOCKET NO. 2016-0107-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 Center ("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 617 Tenaha Street in Center, Shelby County, Texas (the "Facility") that has approximately 3,304 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from December 14 through December 30, 2015, TCEQ staff documented that the locational running annual average concentration for haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts Site 1 was 0.065 milligrams per liter ("mg/L") for the fourth quarter of 2015 and the locational running annual average concentrations for Stage 2 Disinfection Byproducts Site 2 ("DBP2-02") were 0.069 mg/L for the second quarter of 2015, 0.079 mg/L for the third quarter of 2015, and 0.093 mg/L for the fourth quarter of 2015.
3. During a record review conducted from December 14 through December 30, 2015, TCEQ staff documented that the locational running annual average concentration for total trihalomethanes ("TTHM") for DBP2-02 was 0.083 mg/L for the third quarter of 2015.
4. The Respondent received notice of the violations on January 4, 2016.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on 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 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).
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 One Thousand Two Hundred Fifteen Dollars (\$1,215) 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 Two Hundred Fifteen Dollar (\$1,215) 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 Two Hundred Fifteen Dollars (\$1,215) 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 Center, Docket No. 2016-0107-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 365 days after the effective date of this Agreed Order:
 - i. Return to compliance with the MCL for HAA5, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - ii. Return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. 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

Ramona Marcic J
For the Executive Director

6/29/16
Date

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

Chad D. Nehring
Signature

March 29, 2016
Date

Chad D. Nehring
Name (Printed or typed)
Authorized Representative of
City of Center

City Manager
Title

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