

**Executive Summary – Enforcement Matter – Case No. 51598**  
**City of Skellytown**  
**RN102675006**  
**Docket No. 2015-1769-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:**

Skellytown Municipal Water System, located at the intersection of Ninth Street and Chamberlain Street, Skellytown, Carson 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:** April 1, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$907

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

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

**Total Paid to General Revenue:** \$907

**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 - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 51598**  
**City of Skellytown**  
**RN102675006**  
**Docket No. 2015-1769-PWS-E**

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** November 9 through 20, 2015

**Date(s) of NOE(s):** November 20, 2015

***Violation Information***

1. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director ("ED"), and failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper samples [30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C) and (i)(1) and 290.122(c)(2)(A) and (f)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (i)(1)].
4. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the ED each quarter by the tenth day of the month following the end of each quarter, and failed to provide public notification regarding the failure to submit a DLQOR to the ED and submit a copy of the public notice to the ED [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)].
5. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Executive Summary – Enforcement Matter – Case No. 51598**  
**City of Skellytown**  
**RN102675006**  
**Docket No. 2015-1769-PWS-E**

**Technical Requirements:**

The Order will require the Respondent to:

a. Within 30 days:

i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;

ii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 or the most current year to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers;

iii. Provide public notification regarding the failure to submit DLQORs for the third and fourth quarters of 2014 and the first quarter of 2015, and the failure to collect lead and copper samples for the January 1, 2012 to December 31, 2014 monitoring period;

iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and

v. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an approved laboratory, and the results reported to the ED within ten days following the end of each monitoring period.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.; and

ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

c. Within 60 days, submit written certification to demonstrate compliance with b.ii.

d. Within 90 days:

i. 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; and

**Executive Summary – Enforcement Matter – Case No. 51598**  
**City of Skellytown**  
**RN102675006**  
**Docket No. 2015-1769-PWS-E**

- ii. Begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- e. Within 285 days, submit written certification to demonstrate compliance with d.ii.
- f. Within 470 days, submit written certification to demonstrate compliance with d.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:** Steven Hall, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2569; Melissa Cordell, Enforcement Division, MC 219, (512) 239-2483  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Wanda G. Rogers, Mayor Pro-Tem, City of Skellytown, P.O. Box 129, Skellytown, Texas 79080  
The Honorable Ralph Tice, Mayor, City of Skellytown, P.O. Box 129, Skellytown, Texas 79080  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	24-Nov-2015	<b>Screening</b>	2-Dec-2015	<b>EPA Due</b>	31-Mar-2015
	<b>PCW</b>	4-Dec-2015				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Skellytown		
<b>Reg. Ent. Ref. No.</b>	RN102675006		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51598	<b>No. of Violations</b>	5	
<b>Docket No.</b>	2015-1769-PWS-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Hall	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$50	<b>Maximum</b>	\$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 nine NOVs with the same/similar violations and one agreed order with a denial of liability.

**Culpability**   Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$441
Estimated Cost of Compliance	\$986

\*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

**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 2-Dec-2015

Docket No. 2015-1769-PWS-E

PCW

Respondent City of Skellytown

Policy Revision 4 (April 2014)

Case ID No. 51598

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102675006

Media [Statute] Public Water Supply

Enf. Coordinator Steven Hall

### 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> )	9	45%
	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) 65%

>> Repeat Violator (Subtotal 3)

N/A

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 nine NOVs with the same/similar violations and one agreed order with a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 65%

**Screening Date** 2-Dec-2015  
**Respondent** City of Skellytown  
**Case ID No.** 51598

**Docket No.** 2015-1769-PWS-E

**PCW**

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

**Reg. Ent. Reference No.** RN102675006  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Steven Hall  
**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.117(c)(2)(C) and (I)(1) and 290.122(c)(2)(A) and (f)

**Violation Description**  
 Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper samples for the January 1, 2012 through December 31, 2014 monitoring period.

**Base Penalty** \$1,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to collect lead and copper samples and provide public notification 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 1 1095 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$150

One single event is recommended.

**Good Faith Efforts to Comply**

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent 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** \$188

**Violation Final Penalty Total** \$248

**This violation Final Assessed Penalty (adjusted for limits)** \$248

# Economic Benefit Worksheet

**Respondent** City of Skellytown  
**Case ID No.** 51598  
**Reg. Ent. Reference No.** RN102675006  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description** 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	\$100	9-Nov-2015	6-Jul-2016	0.66	\$3	n/a	\$3
Training/Sampling	\$100	9-Nov-2015	6-Jul-2016	0.66	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	11-Jan-2015	6-Jul-2016	1.48	\$2	n/a	\$2

**Notes for DELAYED costs**

The training/sampling delayed cost includes 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 by the Facility's personnel, analyzed 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.

The second training/sampling 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.

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

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Jan-2012	31-Dec-2014	3.92	\$29	\$150	\$179
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x five required samples x one monitoring period), calculated for the monitoring period in which sampling was required.

Approx. Cost of Compliance

\$375

**TOTAL**

\$188

**Screening Date** 2-Dec-2015  
**Respondent** City of Skellytown  
**Case ID No.** 51598

**Docket No.** 2015-1769-PWS-E

**PCW**

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

**Reg. Ent. Reference No.** RN102675006  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Steven Hall  
**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

**Violation Description**

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data for calendar year 2014.

**Base Penalty** \$1,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1 365 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$50

One single event is recommended.

**Good Faith Efforts to Comply**

**0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$50

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

Estimated EB Amount \$9

Violation Final Penalty Total \$83

**This violation Final Assessed Penalty (adjusted for limits)** \$83

# Economic Benefit Worksheet

**Respondent** City of Skellytown  
**Case ID No.** 51598  
**Reg. Ent. Reference No.** RN102675006  
**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)	\$175	1-Jul-2015	29-Jun-2016	1.00	\$9	n/a	\$9

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to prepare and mail or directly deliver the 2014 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 250 connections) + \$50) x one year)], calculated from the date the 2014 CCR was due to the estimated compliance date.

**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

\$175

**TOTAL**

\$9

**Screening Date** 2-Dec-2015  
**Respondent** City of Skellytown  
**Case ID No.** 51598

**Docket No.** 2015-1769-PWS-E

**PCW**

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

**Reg. Ent. Reference No.** RN102675006  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Steven Hall

**Violation Number** 3

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

**Violation Description** Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the 2015 monitoring period.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> **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 1 365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

**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** \$164

**Violation Final Penalty Total** \$248

**This violation Final Assessed Penalty (adjusted for limits)** \$248

# Economic Benefit Worksheet

**Respondent** City of Skellytown  
**Case ID No.** 51598  
**Reg. Ent. Reference No.** RN102675006  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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

Additional delayed cost for training is included in 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]	\$150	1-Jan-2015	31-Dec-2015	1.92	\$14	\$150	\$164
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x five required samples x one monitoring period), calculated for the monitoring period in which sampling was required.

Approx. Cost of Compliance

\$150

**TOTAL**

\$164

**Screening Date** 2-Dec-2015  
**Respondent** City of Skellytown  
**Case ID No.** 51598

**Docket No.** 2015-1769-PWS-E

**PCW**

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

**Reg. Ent. Reference No.** RN102675006  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Steven Hall

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)

**Violation Description**  
 Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter for the fourth quarter of 2014 through the second quarter of 2015, and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for fourth quarter of 2014 and first quarter of 2015.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%
100% of the rule requirement was not met.					

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 3      273 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$150

Three single 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** \$150

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$79      **Violation Final Penalty Total** \$248

**This violation Final Assessed Penalty (adjusted for limits)** \$248

# Economic Benefit Worksheet

**Respondent** City of Skellytown  
**Case ID No.** 51598  
**Reg. Ent. Reference No.** RN102675006  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
 Item Description   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	\$45	9-Nov-2015	6-Jul-2016	0.66	\$1	n/a	\$1
Training/Sampling	\$100	9-Nov-2015	6-Jul-2016	0.66	\$3	n/a	\$3
Remediation/Disposal			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Other (as needed)	\$50	11-Apr-2015	6-Jul-2016	1.24	\$3	n/a	\$3

**Notes for DELAYED costs**

The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the date of the record review to the estimated date of compliance.

Additional delayed cost for public notification training is included in Violation No. 1.

The other delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 x two notifications) are provided to persons served by the Facility and a copy of the public notifications 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]	\$66	10-Jan-2015	10-Jul-2015	1.41	\$5	\$66	\$71
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x three missed reports), calculated from the date the report was due for the fourth quarter of 2014 to the date the report was due for the second quarter of 2015.

Approx. Cost of Compliance

\$261

**TOTAL**

\$79

Screening Date 2-Dec-2015  
Respondent City of Skellytown  
Case ID No. 51598

Docket No. 2015-1769-PWS-E

PCW

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

Reg. Ent. Reference No. RN102675006  
Media [Statute] Public Water Supply  
Enf. Coordinator Steven Hall

Violation Number 5

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 the failure to submit a DLQOR for the third quarter of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 90 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$83

This violation Final Assessed Penalty (adjusted for limits) \$83

# Economic Benefit Worksheet

**Respondent** City of Skellytown  
**Case ID No.** 51598  
**Reg. Ent. Reference No.** RN102675006  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$25	11-Jan-2015	6-Jul-2016	1.48	\$2	n/a	\$2

Additional delayed cost for training is included in Violation No. 1.

Notes for DELAYED costs

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

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

**TOTAL**

\$2

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 CN600343057, RN102675006, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600343057, City of Skellytown      **Classification:** SATISFACTORY      **Rating:** 15.00  
**Regulated Entity:** RN102675006, SKELLYTOWN MUNICIPAL WATER SYSTEM      **Classification:** NOT APPLICABLE      **Rating:** N/A  
**Complexity Points:** N/A      **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** INTERSECTION OF NINTH STREET AND CHAMBERLAIN STREET, SKELLYTOWN, CARSON COUNTY, TEXAS  
**TCEQ Region:** REGION 01 - AMARILLO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0330004

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

**Date Compliance History Report Prepared:** November 24, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 24, 2010 to November 24, 2015

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

**Name:** Steven Hall

**Phone:** (512) 239-2569

**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: 08/24/2015      ADMINORDER 2012-2619-MLM-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)  
5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failed to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license, as documented during an investigation conducted on September 26, 2012.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

- Item 1      January 19, 2012      (976742)

**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: 03/16/2015 (1293850) CN600343057  
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: LCR RD MR PN 3Y2014 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 distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.
  
- 2 Date: 04/08/2015 (1293850) CN600343057  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2014 within the required timeline.
  
- 3 Date: 04/30/2015 (1293850) CN600343057  
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: DLQOR MR PN 3Q2014 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 disinfectant monitoring and reporting violation during the 3rd quarter of 2014.
  
- 4 Date: 06/26/2015 (1293850) CN600343057  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required timeline.
  
- 5 Date: 08/03/2015 (1293850) CN600343057  
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: DLQOR MR 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 disinfectant monitoring and reporting violation during the 4th quarter of 2014.
  
- 6 Date: 10/05/2015 (1293850) CN600343057  
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: DLQOR MR 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 disinfectant monitoring and reporting violation during the 1st quarter of 2015.
  
- 7 Date: 10/06/2015 (1293850) CN600343057

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

8 Date: 10/09/2015 (1293850) CN600343057  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2015 within the required timeline.

9 Date: 11/05/2015 (1293850) CN600343057  
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 YR2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/ 2015 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

## Component Appendices

### Appendix A

#### All NOV's Issued During Component Period 11/24/2010 and 11/24/2015

- 1 Date: 05/29/2012 (1013499) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)  
Description: The facility failed to operate the water system under the direct supervision of a licensed water works operator.
- 2\* Date: 11/10/2014 (1293850) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RD MR 3Y2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014 within the required timeline.
- 3\* Date: 03/16/2015 (1293850) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: LCR RD MR PN 3Y2014 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 distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.
- 4\* Date: 04/08/2015 (1293850) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: DLQOR MR 4Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2014 within the required timeline.
- 5\* Date: 04/30/2015 (1293850) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: DLQOR MR PN 3Q2014 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 disinfectant monitoring and reporting violation during the 3rd quarter of 2014.
- 6\* Date: 06/26/2015 (1293850) CN600343057  
Classification: Moderate  
Self Report? NO **For Informational Purposes Only**  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required timeline.

7\*

Date: 08/03/2015 (1293850) CN600343057  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR 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 disinfectant monitoring and reporting violation during the 4th quarter of 2014.

8

Date: 10/05/2015 (1293850) CN600343057  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DLQOR MR 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 disinfectant monitoring and reporting violation during the 1st quarter of 2015.

9

Date: 10/06/2015 (1293850) CN600343057  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

10

Date: 10/09/2015 (1293850) CN600343057  
Classification: Moderate

Self Report? NO **For Informational Purposes Only**

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(e)(5)  
30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2015 within the required timeline.

11

Date: 11/05/2015 (1293850) CN600343057  
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 YR2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2015 to 12/31/ 2015 within the required timeline.

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

**Appendix B**

**All Investigations Conducted During Component Period November 24, 2010 and November 24, 2015**

Item 1*	January 19, 2012**	(976742) For Informational Purposes Only
Item 2	November 13, 2012**	(1042114) For Informational Purposes Only
Item 3*	February 25, 2015**	(1228775) For Informational Purposes Only
Item 4	November 18, 2015	(1293850) For Informational Purposes Only
Item 5	November 20, 2015	(1293952) 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 SKELLYTOWN  
RN102675006

§ BEFORE THE  
§ TEXAS COMMISSION ON  
§ ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2015-1769-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 Skellytown (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 the intersection of Ninth Street and Chamberlain Street in Skellytown, Carson County, Texas (the "Facility") that has approximately 250 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from November 9, 2015 through November 20, 2015, TCEQ staff documented that the Respondent did not collect lead and copper samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper samples for the January 1, 2012 through December 31, 2014 monitoring period.
3. During a record review conducted from November 9, 2015 through November 20, 2015, TCEQ staff documented that the Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and did not submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data for calendar year 2014.
4. During a record review conducted from November 9, 2015 through November 20, 2015, TCEQ staff documented that the Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the 2015 monitoring period.
5. During a record review conducted from November 9, 2015 through November 20, 2015, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter for the fourth quarter of 2014 through the second quarter of 2015, and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR for the fourth quarter of 2014 and the first quarter of 2015.
6. During a record review conducted from November 9, 2015 through November 20, 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 the failure to submit a DLQOR for the third quarter of 2014.
7. The Respondent received notice of the violations on November 27, 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 lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, and failed to provide public notification and submit a copy of the public notification to the Executive Director

regarding the failure to collect lead and copper samples, in violation of 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C) and (i)(1) and 290.122(c)(2)(A) and (f).

3. As evidenced by Findings of Fact No. 3, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B) and (i)(1).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter, and failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director and submit a copy of the public notice to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
7. 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.
8. An administrative penalty in the amount of Nine Hundred Seven Dollars (\$907) 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 Nine Hundred Seven Dollar (\$907) 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 Nine Hundred Seven Dollars (\$907) as set forth in Section II, Paragraph 8 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 Skellytown, Docket No. 2015-1769-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
    - ii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 or the most current year to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274;
    - iii. Provide public notification regarding the failure to submit DLQORs for the third and fourth quarters of 2014 and the first quarter of 2015, and the failure to collect lead and copper samples for the January 1, 2012 to December 31, 2014 monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.122;
    - iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
    - v. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed by an 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:
- i. 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 Nos. 2.a.i through 2.a.v; and
  - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- c. Within 60 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.b.ii.
- d. Within 90 days after the effective date of this Agreed Order:
- i. 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; and
  - ii. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- e. Within 285 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.ii.
- 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.d.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

Ramon Ramirez Jr  
\_\_\_\_\_  
For the Executive Director

7/7/16  
\_\_\_\_\_  
Date

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

Wanda G Rogers  
\_\_\_\_\_  
Signature

2-29-2016  
\_\_\_\_\_  
Date

Wanda G Rogers  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Skellytown

Mayor Pro-Tem  
\_\_\_\_\_  
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.