

Webb County
RN102698719
Docket No. 2015-1428-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

Multi-Media– Public Water Supply, Municipal Solid Waste, and Water Quality

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

515 Martha Drive, Laredo, Webb County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	There has been media interest in the case

Texas Register Publication Date:

August 12, 2016

Comments Received:

None

Penalty Information**Total Penalty Assessed:** \$52,132**Total Paid to General Revenue:** \$**Total Due to General Revenue:** \$0**Supplemental Environmental Project ("SEP") Conditional Offset:**

\$52,132

Name of SEP: Webb County – *Replacement of High Service Pump and Differential Pressure Transmitters***Compliance History Classifications:**

Person/CN – satisfactory

Site/RN – N/A

Major Source:

Yes (PCWs 1 and 3); No (PCW 2)

Statutory Limit Adjustment:

\$34 enhancement (PCW 1)

Applicable Penalty Policy:

April 2014

Webb County**RN102698719****Docket No. 2015-1428-MLM-E****Investigation Information**

Complaint Date(s):	April 22, 2015
Complaint Information:	Alleged bacteria floating in the water and taste and odor issues.
Date(s) of Investigation:	April 27, 2015 through May 8, 2015; April 15 through April 30, 2015
Date(s) of NOV(s):	October 16, 2014; October 17, 2014; April 17, 2015
Date(s) of NOE(s):	May 15, 2015

Violation Information

1. Failed to comply with the MCL of 0.080 mg/L for TTHM based on the locational running annual average [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1)].
2. 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 PWS Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to provide treatment for Cryptosporidium at the new Rio Bravo surface water treatment plant (TP20831) [TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE § 290.111(c)(3)(B)(i)].
4. Failed to apply for a registration with the Commission to transport water treatment sludge on forms furnished by the Executive Director and receive a registration from the Executive Director prior to commencing operations [30 TEX. ADMIN. CODE § 312.142(a)].
5. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device [30 TEX. ADMIN. CODE § 290.42(d)(2)(C)].
6. Failed to provide an elevated storage capacity of 100 gallons per connection [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(G)].
7. Failed to provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(F)].
8. Failed to calibrate the flow measuring devices and rate-of-flow controllers at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1)].
9. Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(A)].
10. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
11. Failed to conduct grab sampling every four hours in the event the PWS Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.i.].

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12. Failed to properly complete the SWMORs submitted to the Commission [30 TEX. ADMIN. CODE § 290.111(h) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provisions Nos. 3.b.vi. and 3.d.i.].
13. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B), 290.110(b)(4); and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provisions Nos. 3.a.iii. and 3.b.viii.].
14. Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes [30 TEX. ADMIN. CODE § 290.111(e)(3)(C) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.ii.].
15. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.iv.].
16. Failed to ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or that the plant is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed [30 TEX. ADMIN. CODE § 290.46(e)(6)(C) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.b.xvi.].
17. Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters [30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(ii) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.vi.].
18. Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring [30 TEX. ADMIN. CODE § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.ii.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted required 2013 CCR report to TCEQ as of May 29, 2015 (Violation No. 2).
2. Obtained Transporter Registration No. 25049 on July 10, 2015 (Violation No. 4).
3. Began calibrating the flow measuring devices and rate-of-flow controllers on August 21, 2015 (Violation No. 8).
4. Achieved the required raw water pump capacity on June 5, 2015 (Violation No. 9).
5. Began maintaining the turbidimeters in such a way as to be able to capture the higher end of the turbidity range as of May 22, 2015 (Violation No. 10).
6. Automated monitoring and recording system and the online turbidimeters were properly operating as of March 1, 2016 (Violation No. 11).
7. Began maintaining the disinfection equipment to allow for a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times as of March 1, 2016 (Violation No. 13).
8. Began continuously monitoring the filtered water turbidity at the effluent of each individual filter and recording the turbidity every 15 minutes as required as of March 1, 2016 (Violation No. 14).

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9. Began operating within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters as of August 10, 2015 (Violation No. 17).
10. Began measuring the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring as of March 1, 2016 (Violation No. 18).

Technical Requirements:

1. Within 30 days, begin operating the PWS Facility with a minimum Class "C" surface water operator on duty at the plant when it is in operation until such time that the PWS Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators (Violation No. 16).
2. Within 60 days:
 - a. Provide an air gap or other acceptable backflow prevention device for the make-up water supply lines to chemical feeder solution mixing chambers (Violation No. 5);
 - b. Begin submitting complete and accurate SWMORs to the Commission each month by the tenth day of the month following the end of the month. This provision will be satisfied upon six consecutive months of compliant monitoring (Violation No. 12); and
 - c. Initiate maintenance and good housekeeping practices, including returning the following equipment to service: the SCADA system including recording of turbidity and monitoring flow throughout the PWS Facility, the flow splitters, automatic controls and hydrocyclones on the clarifiers, and the automated filter backwash system (Violation No. 15).
3. Within 180 days:
 - a. Provide an elevated storage capacity of 100 gallons connection (Violation No. 6);
 - b. Provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less (Violation No. 7); and
 - c. Provide treatment for Cryptosporidium at the new Rio Bravo surface water treatment plant (TP20831) (Violation No. 3).
4. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average (Violation No. 1).
5. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1;
 - b. Within 75 days for Technical Requirements Nos. 2.a. and 2.c.;
 - c. Within 195 days for Technical Requirements Nos. 3.a., 3.b., and 3.c.;
 - d. Within 255 days for Technical Requirement No. 2.b.; and
 - e. Within 380 days for Technical Requirement No. 4.

Litigation Information

Date Petition(s) Filed: November 19, 2015
Date Answer Filed: December 11, 2015
SOAH Referral Date: February 17, 2016
Hearing Date(s):

Webb County

RN102698719

Docket No. 2015-1428-MLM-E

Preliminary Hearing: May 5, 2016 (waived)
Evidentiary Hearing: September 14-15, 2016 (scheduled)

Settlement Date: June 21, 2016

Contact Information

TCEQ Attorneys: Jacquelyn Boutwell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400

TCEQ Enforcement Coordinator: Michaelle Garza, Enforcement Division, (210) 403-4076

TCEQ Regional Contact: Arnaldo Lanese, Laredo Regional Office, (956) 791-6611

Respondent Contact: Tano Tijerina, Webb County Judge, Webb County Water Utilities, 1000
Houston Street, Floor 3, Laredo, Texas 78040

Respondent's Attorney: Jorge L. Trevino, Jr., Webb County, 1110 Washington Street, Suite 301,
Laredo, Texas 78040

Attachment A
Docket Number: 2015-1428-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Fifty-Two Thousand One Hundred Thirty-Two Dollars (\$52,132)
SEP Offset Amount:	Fifty-Two Thousand One Hundred Thirty-Two Dollars (\$52,132)
Type of SEP:	Compliance SEP
Project Name:	<i>Replacement of High Service Pump and Differential Pressure Transmitters</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under TEX. WATER CODE § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its Public Water Supply which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Public Water Supply located at 515 Martha Drive, in Laredo, Webb County. Respondent shall hire a contractor to replace 3 existing high service pumps with 3 new, increased-capacity 1,200 gallons-per-minute high service pumps. The contractor will also replace 5 existing, non-functioning differential pressure transmitters with 5 new differential pressure transmitters. A final test on the pumps and pressure transmitters will be performed upon completion of installation. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: Pumps, casing, hardware and gasket, bearings, rim base and all mounting parts, motor, differential pressure transmitters, and calibration (the “Project”). Respondent shall solicit bids from qualified contractors to install the system.

Any advertisements related to the SEP, including solicitation for bids publication, must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as

listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has is performing the Compliance SEP solely as part of the terms of settlement in the enforcement action.

B. Environmental Benefit

Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Total Cost
Contractor Estimate: <ul style="list-style-type: none"> • 3 Peerless 5AE8N Pump • Casing with 125 lb. suction & discharge • Hardware and gaskets • Bearings, lip seals, seals, & rings • Horizontal rim base and all mounting parts • 1 75-HP 3600R 365TS 208-230/460v 3 phase Baldor Motor 	\$38,814
<ul style="list-style-type: none"> • 5 Rosemount Differential Pressure Transmitters, Model 2051CD2A02A1AM4S5 • Installation, programming, and calibration included 	\$15,220
Total	\$54,034

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 380 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 380-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
380	Notice of SEP completion

B. Final Report

Within 380 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;

4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-31087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "**Texas Commission on Environmental Quality**," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	18-May-2015			
	PCW	16-Sep-2015	Screening	20-May-2015	EPA Due 31-Mar-2015

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County				
Reg. Ent. Ref. No.	RN102698719				
Facility/Site Region	16-Laredo	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	3
Docket No.	2015-1428-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,110**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **65.0%** Enhancement **Subtotals 2, 3, & 7** **\$1,371**

Notes

Enhancement for three NOV's with the same/similar violations and two agreed orders without a 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 **\$22,081**
Estimated Cost of Compliance **\$233,955**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,481**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,481**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,515**

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 **\$3,515**

Screening Date 20-May-2015

Docket No. 2015-1428-MLM-E

PCW

Respondent Webb County

Policy Revision 4 (April 2014)

Case ID No. 47861

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 three NOVs with the same/similar violations and two agreed orders without 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	20-May-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual		x	
	Potential			
				Percent <input type="text" value="30.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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				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)	\$5,000	31-Mar-2015	1-Mar-2017	1.92	\$480	n/a	\$480

Notes for DELAYED costs

The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last date of the quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$480

Screening Date	20-May-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0.0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="1.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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)	\$955	1-Jul-2014	29-May-2015	0.91	\$43	n/a	\$43

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the 2013 CCR to the customers of the Facility and to TCEQ ((\$0.50 x 1,809 connections) + \$50), calculated from the due date of the 2013 CCR to the 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 \$955

TOTAL \$43

Screening Date	20-May-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number
Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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)	\$228,000	27-Apr-2015	1-Sep-2016	1.35	\$1,027	\$20,530	\$21,557
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide treatment for Cryptosporidium, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

\$228,000

TOTAL

\$21,557



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Jul-2015			
	PCW	16-Sep-2015	Screening	16-Sep-2015	EPA Due 31-Mar-2015

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County				
Reg. Ent. Ref. No.	RN102698719				
Facility/Site Region	16-Laredo	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	1
Docket No.	2015-1428-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts **Capped at the Total EB \$ Amount*
Estimated Cost of Compliance

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

PAYABLE PENALTY

Screening Date 16-Sep-2015
Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media [Statute] Water Quality
Enf. Coordinator Michaelle Garza

Docket No. 2015-1428-MLM-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 three NOVs with the same/similar violations and two agreed orders without 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	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Water Quality			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 312.142(a)

Violation Description

Failed to apply for registration with the Commission to transport water treatment sludge on forms furnished by the Executive Director and receive a registration from the Executive Director prior to commencing operations. Specifically, the Respondent transported water treatment sludge without authorization.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended from the date of the investigation, April 15, 2015, to the date of of compliance, July 10, 2015.

Good Faith Efforts to Comply

Reduction

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

Notes The Respondent achieved compliance on July 10, 2015.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Water Quality
 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			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs	\$110	15-Apr-2015	10-Jul-2015	0.24	\$1	n/a	\$1
Other (as needed)			0.00	\$0	n/a	\$0	

Notes for DELAYED costs The delayed cost includes the estimated amount to apply for and receive a sludge transporter registration from the Executive Director, calculated from the date of the investigation to the 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 \$110 **TOTAL** \$1



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	7-Jul-2015			
	PCW	8-Jun-2016	Screening	16-Sep-2015	EPA Due 31-Mar-2015

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County				
Reg. Ent. Ref. No.	RN102698719				
Facility/Site Region	16-Laredo	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47861	No. of Violations	14
Docket No.	2015-1428-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Michaelle Garza
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$26,030**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **65.0%** Enhancement **Subtotals 2, 3, & 7** **\$16,919**

Notes

Enhancement for three NOV's with the same/similar violations and two agreed orders without a 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** **-\$144**

Economic Benefit **0.0%** Enhancement*

Total EB Amounts	\$12,556
Estimated Cost of Compliance	\$137,804

*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$42,805**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$42,805**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$42,805**

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

\$42,805

Screening Date 16-Sep-2015

Docket No. 2015-1428-MLM-E

PCW

Respondent Webb County

Policy Revision 4 (April 2014)

Case ID No. 47861

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102698719

Media [Statute] Public Water Supply

Enf. Coordinator Michaelle Garza

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 three NOVs with the same/similar violations and two agreed orders without 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	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="30.0%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 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	\$1,000	15-Apr-2015	1-May-2016	1.05	\$3	\$70	\$73
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 The delayed costs include the estimated amount to provide an air gap or other acceptable backflow prevention device for the make-up water line for the chemical feed to the clarifier, calculated from the date of the investigation 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 \$1,000 **TOTAL** \$73

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(G) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, the system serves 2,693 connection equivalents and was only providing 0.2 million gallons ("MG") elevated storage capacity through the Rio Bravo elevated storage tank ("EST") while the El Cenizo EST is offline pending modifications, which is a 26% deficiency.

Base Penalty

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

OR

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Failure to provide adequate elevated storage capacity could result in low pressure throughout the distribution system exposing persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended from the date of the investigation, April 15, 2015, to the date of screening, September 16, 2015.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 2

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				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)	\$10,000	15-Apr-2015	1-Jul-2016	1.21	\$607	n/a	\$607

Notes for DELAYED costs

The delayed costs include the estimated amount to ensure adequate elevated storage capacity, calculated from the date of the investigation 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

\$10,000

TOTAL

\$607

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, with 2,693 connection equivalents, the Facility is required to meet a service pump capacity of 2,706 gpm, however only 1,800 gpm is provided, which is a 33% deficiency.

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to provide adequate service pump capacity could result in low water pressure and water outages exposing persons served by the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Two quarterly events are recommended from the date of the investigation, April 15, 2015, to the date of screening, September 16, 2015.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 3

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				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)	\$20,000	15-Apr-2015	1-Sep-2016	1.38	\$1,384	n/a	\$1,384

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide adequate service pump capacity, calculated from the date of the investigation 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

\$20,000

TOTAL

\$1,384

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="7.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 4

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

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	\$279	15-Apr-2014	15-Apr-2015	1.00	\$14	\$279	\$293
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

The avoided costs include the estimated amount to calibrate the Facility's flow measuring devices (\$31 x nine devices, annualized), calculated for the 12-month period prior to the investigation.

Approx. Cost of Compliance \$279

TOTAL \$293

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, with 2,693 connection equivalents, the Facility is required to provide a raw water pump capacity of 1,616 gpm with the largest pump out of service. The Facility provides 900 gpm raw water pump capacity with the largest pump out of service, which is a 44% deficiency.

Base Penalty

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

OR

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

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

Failure to provide adequate raw water pump capacity could cause persons served by the Facility to experience low water pressure and water outages that may allow significant amounts of contaminants to enter the water system which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, April 15, 2015, to the date of compliance, June 5, 2015.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondent achieved compliance on June 5, 2015.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 5

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)	\$5,000	15-Apr-2015	5-Jun-2015	0.14	\$35	n/a	\$35

Notes for DELAYED costs

The delayed costs include the estimated amount to provide adequate service pump capacity, calculated from the date of the investigation to the 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 \$35

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 6

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)	\$500	15-Apr-2015	22-May-2015	0.10	\$3	n/a	\$3

Notes for DELAYED costs

The delayed cost includes the estimated amount to adjust the limits on the turbidimeters, calculated from the date of the investigation to the 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 \$500

TOTAL \$3

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 7

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)	\$85,000	5-Oct-2014	1-Mar-2016	1.41	\$398	\$7,964
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to return the automated monitoring equipment to operation, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E to the 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 \$85,000 **TOTAL** \$8,363

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

Violation Number

Rule Cite(s)

Violation Description

Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the individual filter effluent ("IFE") turbidity data was not being recorded every 15 minutes and was not reported for the entire month of April 2015 as per the SWMOR submitted to the TCEQ Public Drinking Water Section.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="7.0%"/>

Matrix Notes

Between 30% and 70% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Four quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E, October 5, 2014, to the date of screening, September 16, 2015.

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 8

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	\$135	5-Oct-2014	1-Apr-2016	1.49	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$220	5-Oct-2014	1-May-2016	1.57	\$17	n/a	\$17

Notes for DELAYED costs
 The delayed cost includes the estimated amount to develop procedures and implement training to ensure that SWMORs are properly completed, and the other delayed cost includes the estimated amount to begin submitting timely and accurate SWMORs, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E 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 \$355

TOTAL \$27

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			
Violation Number	9			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(B), 290.110(b)(4), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision Nos. 3.a.iii. and 3.b.viii.			
Violation Description	Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of total chlorine throughout the distribution system at all times. Specifically, on April 30, 2015, the following total chlorine levels were measured in the distribution system: 0.29 mg/L at 1217 Paseo de Tiber and 0.37 mg/L at 1223 Paseo de Tiber.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to maintain proper levels of disinfection could result in the delivery of a significant amount of contaminated water to persons served by the Facility which would not exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply 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 <input type="text" value="\$209"/>	Violation Final Penalty Total <input type="text" value="\$248"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$248"/>	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 9

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)	\$135	5-Oct-2014	1-Mar-2016	1.41	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop procedures and implement training to ensure that a disinfectant residual concentration of at least 0.5 mg/L of total chlorine is maintained throughout the system at all times, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E to the 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]	\$200	30-Apr-2015	1-May-2015	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure that the disinfection equipment is operating properly and maintaining an adequate disinfectant residual, calculated for the date the low disinfectant residual was documented.

Approx. Cost of Compliance

\$335

TOTAL

\$209

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.111(e)(3)(C) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.ii.			
Violation Description	Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes. Specifically, the continuous monitoring equipment was not functioning, nor was the IFE being recorded every 15 minutes as evidenced by continued missing data from October 2014 through March 2015.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to continuously monitor the turbidity of the IFE could expose persons served by the Facility to contaminants that would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events: 12 346 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,600

Twelve monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E, October 5, 2014, to the date of screening, September 16, 2015.

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 \$3,600

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$5,940
This violation Final Assessed Penalty (adjusted for limits) \$5,940	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 10

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

The delayed cost is captured in the economic benefit associated with violation no. 7.

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

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.iv.			
Violation Description	<p>Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the supervisory control and data acquisition ("SCADA") system, including recording of turbidity and monitoring flow through the plant, was not functioning properly; the flow splitters, automatic controls and hydrocyclones on the clarifiers were not functioning properly; and the automated filter backwash system was not functioning.</p>			

Base Penalty

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

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text" value="30.0%"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to maintain required automated monitoring and recording equipment could result in persons served by the Facility being exposed to contaminants that would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Thirty-six monthly events are recommended (12 events for each deficiency) from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E, October 5, 2014, to the date of screening, September 16, 2015.

Good Faith Efforts to Comply

Reduction

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 11

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)	\$10,000	5-Oct-2014	1-Mar-2016	1.41	\$47	\$937	\$984
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 costs include the estimated amount to repair the SCADA system to ensure that the following functions are functioning: recording of turbidity and monitoring flow through the plant, the flow splitters, automatic controls and hydrocyclones on the clarifiers, and the automated filter backwash system, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E 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 \$10,000

TOTAL \$984

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			

V12

Rule Cite(s)

Violation Description

Failed to ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or that the plant is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed. Specifically, the plant is often staffed by a Class "D" operator with no Class "C" operator on duty at the plant and the SCADA system which controls the continuous turbidity and disinfectant residual monitoring with automatic plant shutdown was not functioning.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

Matrix Notes

Failure to operate the system with continuous monitors with automatic plant shutdown or under the supervision of at least one Class "C" operator when the plant is in operation may result in poor plant operation which could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Four quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E, October 5, 2014, to the date of screening, September 16, 2015.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 12

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			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)	\$5,000	5-Oct-2014	1-Mar-2016	1.41	\$351	n/a	\$351

Notes for DELAYED costs

The delayed cost includes the estimated amount to make repairs to the continuous monitoring equipment and alarms or to ensure that a minimum Class "C" licensed operator is always present during plant operation, calculated from the date of the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$351

Screening Date 16-Sep-2015	Docket No. 2015-1428-MLM-E	PCW
Respondent Webb County		<i>Policy Revision 4 (April 2014)</i>
Case ID No. 47861		<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No. RN102698719		
Media [Statute] Public Water Supply		
Enf. Coordinator Michaelle Garza		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(11)(B)(ii) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.vi.

Violation Description

Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to operate within a maximum filtration rate of 5.0 gallons per square foot per minute could lead to inadequate water treatment and cause persons served by the Facility to be exposed to insignificant amounts of contaminants that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes: The Respondent achieved compliance as of August 10, 2015.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 13

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

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]	\$200	5-Oct-2014	10-Aug-2015	1.76	\$18	\$200	\$218
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight that could have avoided or prevented the exceedance, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E to the compliance date.

Approx. Cost of Compliance \$200

TOTAL \$218

Screening Date	16-Sep-2015	Docket No.	2015-1428-MLM-E	PCW
Respondent	Webb County			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	47861			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN102698719			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Michaelle Garza			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.ii.			
Violation Description	Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 30.0%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to monitor the performance of the disinfectant facilities from the end of each disinfection zone and during peak flows could result in persons served by the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events: 12 346 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,600

Twelve monthly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E, October 5, 2014, to the date of screening, September 16, 2015.

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 \$3,600

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$9	Violation Final Penalty Total \$5,940
This violation Final Assessed Penalty (adjusted for limits) \$5,940	

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 47861
Reg. Ent. Reference No. RN102698719
Media Violation No. Public Water Supply
 14

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	\$135	5-Oct-2014	1-Mar-2016	1.41	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the estimated amount to develop procedures and implement training to ensure that the disinfectant residual is monitored correctly and reported accurately on the SWMOR, calculated from the effective date of TCEQ Agreed Order Docket No. 2013-2014-MLM-E to the 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 \$135

TOTAL \$9

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.



Compliance History Report

PENDING Compliance History Report for CN600612758, RN102698719, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN600612758, Webb County **Classification::** SATISFACTORY **Rating:** 1.43
Regulated Entity: RN102698719, Webb County Water Utilities **Classification::** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 515 MARTHA DRIVE, LAREDO, WEBB COUNTY, TEXAS
TCEQ Region: REGION 16 - LAREDO
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400022

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

Date Compliance History Report Prepared: September 16, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 16, 2010 to September 16, 2015

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

Name: Michaelle Garza

Phone: (210) 403-4076

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: 07/02/2011 ADMINORDER 2010-1283-MLM-E (Findings Order-Agreed Order Without Denial)**
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 - Description: Failure to maintain the minimum required disinfectant residual of 0.5 mg/L total chlorine in each finished water storage tank and throughout the distribution system at all times.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(vi)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)
 - Description: Failure to maintain all of the Facility's operating records and make those records available for review during an inspection.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)
 - Description: Failure to properly complete the SWMOR to demonstrate compliance with 30 TAC 290.111(h).
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)(4)
 - Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.
 - Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 - Description: Failure to enclose the water storage tanks within an intruder-resistant fence.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 - Description: Failure to perform maintenance practices which will ensure the good working condition of the Facility's equipment.
 - Classification: Moderate
 - Citation: 2B TWC Chapter 13, SubChapter A 13.139(d)
30 TAC Chapter 291, SubChapter F 291.93(3)
 - Description: Failed to submit to the Executive Director a planning report that clearly explains how the retail public utility, which has reached 85% of its capacity, will provide the expected service demands to the remaining areas within the boundaries of its certificated area.

2 Effective Date: 10/05/2014 ADMINORDER 2013-2014-MLM-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(i)

Description: Failed to make water works operation and maintenance records available for review by Commission personnel during the investigation. Specifically, the copies of Monthly Operating Reports ("MORs") and supporting documentation were incomplete because the Facility did not maintain copies of operator logs for June 12-30, 2013 and the individual operator logs for data transferred to the official log.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)

Description: Failed to provide flow measuring devices to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant; and additional metering devices as appropriate to monitor the flow rate through specific treatment processes.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)

Description: Failed to conduct grab sampling every four hours in the event the Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days. Specifically, the automated monitoring and recording system and online turbidimeters were not in operation and operators had been collecting grab samples for more than 14 days.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)

Description: Failed to properly complete the surface water monthly operating reports ("SWMORs") submitted to the Commission. Specifically, much of the data on the operator logs for June and July 2013 did not match the data reported on the corresponding SWMORs: numerous entries for combined filter effluent ("CFE"), individual filter effluent ("IFE"), disinfection data, and raw water flows were reported inaccurately.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(B)

Description: Failed to ensure that the disinfection contact time ("CT") used by the Facility is based on tracer study data or a theoretical analysis approved by the Commission and the actual flow rate is occurring at the time monitoring occurs.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(A)

Description: Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring. Specifically, the disinfectant residual was only being collected from disinfection zones D3 and D4 and not during times of peak hourly raw water flow, and disinfection data for D3 was not being collected at the end of the zone.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of total chlorine throughout the distribution system at all times.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)

Description: Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes. Specifically, the continuous monitoring equipment was not functioning, nor was the IFE being recorded every 15 minutes.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(B)

Description: Failed to measure and record the turbidity level of the CFE at least every four hours that the system serves water to the public. Specifically, operator logs and monthly operating reports for June and July 2013 showed that the CFE was not being monitored at least every four hours.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)

Description: Failed to continuously monitor and record the disinfectant residual of the water entering the distribution system or perform grab sampling every four hours. Specifically, the Respondent did not continuously monitor the disinfectant residual of the water entering the distribution system and collected less than three grab samples per day during the months of June and July 2013.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)

Description: Failed to properly calibrate laboratory equipment used for compliance testing. Specifically, calibration and/or verification was not conducted for online or benchtop turbidimeters, online or benchtop chlorine meters, and pH meters; and the standards at the Facility were expired.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to achieve a turbidity level of the CFE that is less than 1.0 Nephelometric Turbidity Units ("NTU"). Specifically, the CFE documented in the operator logs exceeded 1.0 NTU for eleven days in June 2013 and eight days in July 2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(ii)

Description: Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters. Specifically, with two filters in operation with a combined area of 240 square feet, filtration rates of 5.13 and 5.18 gallons per square foot per minute were documented on August 8, 2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the automated monitoring and recording system ("SCADA"), online monitors and recorders for pH, air scour backwash, loss of head gauges on the filters, automatic controls on the clarifiers, flow splitter to the clarifiers, and alum and polymer chemical feed pumps weren't operational.
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, no secondary containment was provided for the polymer tank and one of the sidewalls for the bulk alum tank secondary containment area was missing.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
30 TAC Chapter 290, SubChapter D 290.46(q)(3)
Description: Failed to issue a boil water notification to the customers of the Facility within 24 hours of a finished water turbidity exceeding 5.0 NTU. Specifically, a turbidity of 6.39 NTU at filter no. 4 was documented in the operator log on July 11, 2013 and the Respondent did not issue a boil water notice within 24 hours.
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting.
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 330, SubChapter A 330.15(c)
Description: Failed to ensure that no person caused, suffered, allowed, or permitted the dumping or disposal of municipal solid waste ("MSW") or discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state without the written authorization of the Commission.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(j)(2)
30 TAC Chapter 290, SubChapter F 290.111(j)(2)(B)
30 TAC Chapter 290, SubChapter F 290.122(a)(2)
Description: Failed to consult with the Commission within 24 hours after a turbidity level exceeding 1.0 NTU in the CFE and failed to notify customers that the Commission was not consulted.
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failed to compile an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements which is maintained at each treatment plant and at a central location.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B)
Description: Failed to employ at least one operator who holds a Class "B" or higher surface water license and at least one operator who holds a Class "C" or higher surface water license.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
Description: Failed to either ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty when it is in operation, or that the plant is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(1)
Description: Failed to measure the disinfectant residual to a minimum accuracy of plus or minus 0.1 mg/L. Specifically, when measuring the disinfectant residual using the Hach pocket colorimeter the operator did not use the correct procedures when measuring in the high range: an incorrect sample cell and incorrect amount of reagent were used.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(B)
Description: SWTR MR Violation 08/2013 - 23 period(s) when the plant was on-line but combined filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: SWTR SWMOR Major MR Violation 09/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for New Rio Bravo SWTP (TP20831).
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.111(h)(12)
30 TAC Chapter 290, SubChapter F 290.111(h)(2)
Description: SWTR SWMOR Major MR Violation 10/2013 - Failure to submit Surface Water Monthly Operating Report (SWMOR) with the required turbidity and disinfectant residual data by the required deadline for New Rio Bravo SWTP (TP20831).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 08/2013 - 12 day(s) with combined filter effluent turbidity readings above 1.0 NTU at New Rio Bravo SWTP (TP20831).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 08/2013 - 72.4 % of combined filter effluent turbidity readings for the month were above 0.3 NTU at New Rio Bravo SWTP (TP20831).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2013 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation for having combined filter effluent turbidity readings above 1.0 NTU during the month of 08/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2013 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation for having combined filter effluent turbidity above 0.3 NTU in more than 5.0% of the readings for the month of 08/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: JUL/2013 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 07/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 08/2013 - 2 days(s) with a low disinfectant residual entering the distribution system for more than 4.0 consecutive hours at New Rio Bravo SWTP (TP20831).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(1)(D)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 08/2013 - 19 day(s) with a low CT for more than 4.0 consecutive hours at New Rio Bravo SWTP (TP20831).

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2013 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation for having low disinfectant residual entering the distribution system for more than 4.0 consecutive hours during 08/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: AUG/2013 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation for having low CT for more than 4.0 consecutive hours during the month of 08/2013.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR MR Violation 08/2013 - 11 day(s) when disinfection (CT) data were not collected at New Rio Bravo SWTP (TP20831).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

1 Date: 10/16/2014 (1248267) CN600612758
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 2013 - The system failed to provide the Consumer Confidence Report (CCR) for 2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

- 2 Date: 10/17/2014 (1248267) CN600612758**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: JUNE/2014 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 06/2014.
- 3 Date: 04/17/2015 (1248267) CN600612758**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 03/2015 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 03/2015 - 31 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 02/2015 - 28 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 02/2015 - 28 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 01/2015 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 01/2015 - 31 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 12/2014 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 12/2014 - 31 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 11/2014 - 30 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 11/2014 - 30 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)
Description: SWTR MR Violation 10/2014 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)
Description: SWTR MR Violation 10/2014 - 31 day(s) when the disinfectant residual entering the distribution system was not properly monitored at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 03/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 02/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 01/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 12/2014 - The system failed to provide treatment for Cryptosporidium at new Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 11/2014 - The system failed to provide treatment for Cryptosporidium at new Rio Bravo SWTP (TP20831).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
Description: SWTR Non-acute TT Violation 10/2014 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEBB COUNTY;
RN102698719**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-1428-MLM-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Webb County ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE chs. 341 and 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Webb County Attorney Jorge Trevino, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 515 Martha Drive in Laredo, Webb County, Texas (Public Water Supply No. 2400022) (the "PWS Facility"). The PWS Facility provides water for human consumption, has approximately 2,693 service connections (1,277 connections in Rio Bravo, 623 connections in El Cenizo, plus two detention centers with a total of 793 connections), and serves at least 25 people per day for at least 60 days per year. As such, the PWS Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. Respondent owns and operates a wastewater treatment plant located at 515 Martha Drive, in Laredo, Webb County, Texas (the "WWTP"). The WWTP involves the management and/or disposal of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. Respondent transports water treatment sludge from the PWS Facility to the WWTP and is required to be

registered with the TCEQ. Therefore, Respondent is subject to TCEQ jurisdiction pursuant to 30 TEX. ADMIN. CODE ch. 312, Subchapter G.

3. During a record review investigation conducted from April 27, 2015 through May 8, 2015, TCEQ Public Drinking Water staff documented that Respondent:
 - a. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average. Specifically, the concentration of TTHM was 0.084 mg/L for the first quarter of 2015 at Stage 2 Disinfection Byproducts Site 1 (PCW A, Violation 1);
 - b. 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 PWS Facility and that the information in the CCR is correct and consistent with compliance monitoring data for 2013 (PCW A, Violation 2); and
 - c. Failed to provide treatment for Cryptosporidium at the new Rio Bravo surface water treatment plant (TP20831) for the months of October 2014 through March 2015 (PCW A, Violation 3).
4. During an investigation conducted from April 15, 2015 through April 30, 2015, a TCEQ investigator documented that Respondent:
 - a. Failed to apply for a registration with the Commission to transport water treatment sludge on forms furnished by the Executive Director and receive a registration from the Executive Director prior to commencing operations. Specifically, Respondent transported water treatment sludge without authorization (PCW B, Violation 1);
 - b. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device. Specifically, a common make-up water line in the chemical feed room was used for the chlorine feed to the clarifier, filters, and clearwells with no air gap or other acceptable backflow prevention device (PCW C, Violation 1);
 - c. Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, the PWS Facility serves 2,693 connection equivalents and was only providing 0.2 million gallons ("MG") elevated storage capacity through the Rio Bravo elevated storage tank ("EST") while the El Cenizo EST is offline pending modifications, which is a 26% deficiency (PCW C, Violation 2);
 - d. Failed to provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, with 2,693 connection equivalents, the PWS Facility is required to meet a service

- pump capacity of 2,706 gpm, however only 1,800 gpm is provided, which is a 33% deficiency (PCW C, Violation 3);
- e. Failed to calibrate the flow measuring devices and rate-of-flow controllers at least once every 12 months. Specifically, none of the flow measuring devices at the PWS Facility were calibrated in the previous 12 months, including: the meters at the raw water splitter box and transfer pumps, for the recycled decant water, for the treated water used to backwash the filters, for the treated water discharged from the PWS Facility, and the meters at the four filters (PCW C, Violation 4);
 - f. Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, with 2,693 connection equivalents, the PWS Facility is required to provide a raw water pump capacity of 1,616 gpm with the largest pump out of service. The PWS Facility provides 900 gpm raw water pump capacity with the largest pump out of service, which is a 44% deficiency (PCW C, Violation 5);
 - g. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the turbidimeters were not maintained in such a way to be able to capture the higher end of the turbidity range as described in 30 TEX. ADMIN. CODE §§ 290.111(e) and 290.122(a)(1)(B) (PCW C, Violation 6);
 - h. Failed to conduct grab sampling every four hours in the event the PWS Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days. Specifically, the automated monitoring and recording system and the online turbidimeters were not in operation and the operators had been collecting grab samples for more than 14 days (PCW C, Violation 7);
 - i. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the individual filter effluent ("IFE") turbidity data was not being recorded every 15 minutes and was not reported for the entire month of April 2015 as per the SWMOR submitted to the TCEQ Public Drinking Water Section (PCW C, Violation 8);
 - j. Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times. Specifically, on April 30, 2015, the following total chlorine levels were measured in the distribution system: 0.29 mg/L at 1217 Paseo de Tiber and 0.37 mg/L at 1223 Paseo de Tiber (PCW C, Violation 9);
 - k. Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes. Specifically, the continuous monitoring equipment was not functioning, nor was the IFE being recorded every 15 minutes as

- g. Began maintaining the disinfection equipment to allow for a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times as of March 1, 2016 (FOF 4.j.);
- h. Began continuously monitoring the filtered water turbidity at the effluent of each individual filter and recording the turbidity every 15 minutes as required as of March 1, 2016 (FOF 4.k.);
- i. Began operating within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters as of August 10, 2015 (FOF 4.n.); and
- j. Began measuring the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring as of March 1, 2016 (FOF 4.o.).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE chs. 341 and 361, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 3.a., Respondent failed to comply with the MCL of 0.080 mg/L for TTHM based on the locational running annual average, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1).
3. As evidenced by Finding of Fact No. 3.b., 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 PWS Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 3.c., Respondent failed to provide treatment for Cryptosporidium at the new Rio Bravo surface water treatment plant (TP20831), in violation of TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE § 290.111(c)(3)(B)(i).
5. As evidenced by Finding of Fact No. 4.a., Respondent failed to apply for a registration with the Commission to transport water treatment sludge on forms furnished by the Executive Director and receive a registration from the Executive Director prior to commencing operations, in violation of 30 TEX. ADMIN. CODE § 312.142(a).
6. As evidenced by Finding of Fact No. 4.b., Respondent failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(C).
7. As evidenced by Finding of Fact No. 4.c., Respondent failed to provide an elevated storage capacity of 100 gallons per connection, in violation of TEX.

HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(G).

8. As evidenced by Finding of Fact No. 4.d., Respondent failed to provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(F).
9. As evidenced by Finding of Fact No. 4.e., Respondent failed to calibrate the flow measuring devices and rate-of-flow controllers at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
10. As evidenced by Finding of Fact No. 4.f., Respondent failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.45(b)(2)(A).
11. As evidenced by Finding of Fact No. 4.g., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
12. As evidenced by Finding of Fact No. 4.h., Respondent failed to conduct grab sampling every four hours in the event the PWS Facility's continuous turbidity monitoring equipment malfunctions, but not for more than 14 working days, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.i.
13. As evidenced by Finding of Fact No. 4.i., Respondent failed to properly complete the SWMORs submitted to the Commission, in violation of 30 TEX. ADMIN. CODE § 290.111(h) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provisions Nos. 3.b.vi. and 3.d.i.
14. As evidenced by Finding of Fact No. 4.j., Respondent failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 mg/L of total chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B), 290.110(b)(4); and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provisions Nos. 3.a.iii. and 3.b.viii.
15. As evidenced by Finding of Fact No. 4.k., Respondent failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(C) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.ii.
16. As evidenced by Finding of Fact No. 4.l., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation to 30 TEX. ADMIN. CODE § 290.46(m) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.f.iv.

17. As evidenced by Finding of Fact No. 4.m., Respondent failed to ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or that the plant is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(6)(C) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.b.xvi.
18. As evidenced by Finding of Fact No. 4.n., Respondent failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(11)(B)(ii) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.vi.
19. As evidenced by Finding of Fact No. 4.o., Respondent failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2013-2014-MLM-E, Ordering Provision No. 3.d.ii.
20. Pursuant to TEX. WATER CODE § 7.051 and with TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
21. An administrative penalty in the amount of fifty-two thousand one hundred thirty-two dollars (\$52,132.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY Code § 341.049(b). Pursuant to TEX. WATER CODE § 7.067, fifty-two thousand one hundred thirty-two dollars (\$52,132.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 21 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in

this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.

2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 21. The amount of fifty two thousand one hundred thirty-two dollars (\$52,132.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, begin operating the PWS Facility with a minimum Class "C" surface water operator on duty at the plant when it is in operation until such time that the PWS Facility is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law ("COL") No. 17).
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 60 days after the effective date of this Order:
 - i. Provide an air gap or other acceptable backflow prevention device for the make-up water supply lines to chemical feeder solution mixing chambers, in accordance with 30 TEX. ADMIN. CODE § 290.42 (COL No. 6);
 - ii. Begin submitting complete and accurate SWMORs to the Commission each month by the tenth day of the month following the end of the month, in accordance with 30 TEX. ADMIN. Code § 290.111. This provision will be satisfied upon six consecutive months of compliant monitoring (COL No. 13); and
 - iii. Initiate maintenance and good housekeeping practices, including returning the following equipment to service: the SCADA system including recording of turbidity and monitoring flow throughout the PWS Facility, the flow splitters, automatic controls and hydrocyclones on the clarifiers, and the automated filter backwash system, in accordance with 30 TEX. ADMIN. CODE § 290.4 (COL No. 16).
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provisions Nos. 3.c.i. and 3.c.iii.

- e. Within 180 days after the effective date of this Order:
 - i. Provide an elevated storage capacity of 100 gallons connection, in accordance with 30 TEX. ADMIN. CODE § 290.45 (COL No. 7);
 - ii. Provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, in accordance with 30 TEX. ADMIN. CODE § 290.45 (COL No. 8); and
 - iii. Provide treatment for Cryptosporidium at the new Rio Bravo surface water treatment plant (TP20831), in accordance with 30 TEX. ADMIN. CODE § 290.111 (COL No. 4).
- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j., to demonstrate compliance with Ordering Provisions Nos. 3.e.i., 3.e.ii., and 3.e.iii.
- g. Within 255 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.c.ii.
- h. Within 365 days after the effective date of this Order, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115 (COL No. 2).
- i. Within 380 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.j. to demonstrate compliance with Ordering Provision No. 3.h.
- j. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall 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 fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

Water Section Manager
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, TX 78041-3887

and:

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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the WWTP and PWS Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the

Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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.
12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director



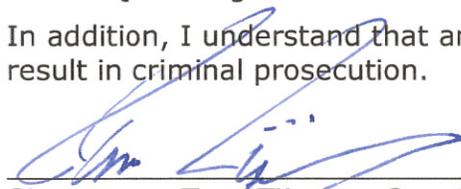
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

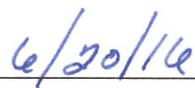
I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Tano Tijerina, County Judge
Webb County
1000 Houston Street, Floor 3
Laredo, Texas 78040-8017



Date

If mailing address has changed, please check this box and provide the new address below:

Attachment A
Docket Number: 2015-1428-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Fifty-Two Thousand One Hundred Thirty-Two Dollars (\$52,132)
SEP Offset Amount:	Fifty-Two Thousand One Hundred Thirty-Two Dollars (\$52,132)
Type of SEP:	Compliance SEP
Project Name:	<i>Replacement of High Service Pump and Differential Pressure Transmitters</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project (“SEP”). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent is a Local Government that qualifies under TEX. WATER CODE § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its Public Water Supply which are described in this Agreed Order. This Agreed Order cites violations at Respondent’s Public Water Supply located at 515 Martha Drive, in Laredo, Webb County. Respondent shall hire a contractor to replace 3 existing high service pumps with 3 new, increased-capacity 1,200 gallons-per-minute high service pumps. The contractor will also replace 5 existing, non-functioning differential pressure transmitters with 5 new differential pressure transmitters. A final test on the pumps and pressure transmitters will be performed upon completion of installation. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for one or more of the following: Pumps, casing, hardware and gasket, bearings, rim base and all mounting parts, motor, differential pressure transmitters, and calibration (the “Project”). Respondent shall solicit bids from qualified contractors to install the system.

Any advertisements related to the SEP, including solicitation for bids publication, must include the enforcement statement as stated in Section 6, Publicity. The Project will be performed in accordance with all federal, state, and local environmental laws and regulations, including obtaining any permits that may be required prior to commencement of the work.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as

listed in Subsection C, Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has is performing the Compliance SEP solely as part of the terms of settlement in the enforcement action.

B. Environmental Benefit

Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the Project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Total Cost
Contractor Estimate: <ul style="list-style-type: none"> • 3 Peerless 5AE8N Pump • Casing with 125 lb. suction & discharge • Hardware and gaskets • Bearings, lip seals, seals, & rings • Horizontal rim base and all mounting parts • 1 75-HP 3600R 365TS 208-230/460v 3 phase Baldor Motor 	\$38,814
<ul style="list-style-type: none"> • 5 Rosemount Differential Pressure Transmitters, Model 2051CD2A02A1AM4S5 • Installation, programming, and calibration included 	\$15,220
Total	\$54,034

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 380 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days of the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 380-day time-frame set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
380	Notice of SEP completion

B. Final Report

Within 380 days after the effective date of the Agreed Order, or within 30 days after completion of SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices, paid receipts, cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
3. Proof of publication of invitation for bids (publication must include the enforcement statement, as stated in Section 6, Publicity), if applicable;

4. Dated photographs of the purchased equipment; the equipment being removed; before and after work being performed during the installation process; and of the completed Project;
5. Copies of all engineering plans related to work performed pursuant to the Project;
6. A notarized/certified statement and supporting documentation demonstrating the quantifiable environmental benefits achieved as a result of the Project; and
7. Any additional information demonstrating compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-31087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff, and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "**Texas Commission on Environmental Quality**," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.