

**Executive Summary – Enforcement Matter – Case No. 52373**

**City of Megargel**

**RN101386605**

**Docket No. 2016-0747-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Megargel PWS, 902 Cedar Street, Megargel, Archer County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** August 5, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$195

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

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

**Total Paid to General Revenue:** \$195

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 52373**  
**City of Megargel**  
**RN101386605**  
**Docket No. 2016-0747-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** April 11, 2016 through May 6, 2016  
**Date(s) of NOE(s):** May 6, 2016

***Violation Information***

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

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for haloacetic acids based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Sandra Douglas, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2549; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Jerry Goodwin, Mayor, City of Megargel, P.O. Box 31, Megargel, Texas 76370  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	9-May-2016	<b>Screening</b>	16-May-2016	<b>EPA Due</b>	30-Jun-2016
	<b>PCW</b>	18-May-2016				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Megargel		
<b>Reg. Ent. Ref. No.</b>	RN101386605		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	52373	<b>No. of Violations</b>	1
<b>Docket No.</b>	2016-0747-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Sandra Douglas
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$150
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$45
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Notes: Enhancement for three NOV's with same or similar violations, and one agreed order without denial of liability. Reduction for High Performer Classification.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$807  
 Estimated Cost of Compliance: \$5,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$195
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$195
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$195
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$195
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**Screening Date** 16-May-2016

**Docket No.** 2016-0747-PWS-E

**PCW**

**Respondent** City of Megargel

Policy Revision 4 (April 2014)

**Case ID No.** 52373

PCW Revision March 26, 2014

**Reg. Ent. Reference No.** RN101386605

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Sandra Douglas

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 40%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for three NOV's with same or similar violations, and one agreed order without denial of liability. Reduction for High Performer Classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 30%

Screening Date 16-May-2016

Docket No. 2016-0747-PWS-E

PCW

Respondent City of Megargel

Policy Revision 4 (April 2014)

Case ID No. 52373

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101386605

Media [Statute] Public Water Supply

Enf. Coordinator Sandra Douglas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average. Specifically, the locational running annual average concentrations for HAA5 for Stage 2 Disinfectant Byproducts at Site 1 were 0.063 for the third quarter of 2015; 0.066 mg/L for the fourth quarter of 2015; and 0.076 mg/L for the first quarter of 2016.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

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

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 Number of violation days 274

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$150

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$807

Violation Final Penalty Total \$195

This violation Final Assessed Penalty (adjusted for limits) \$195

## Economic Benefit Worksheet

**Respondent** City of Megargel  
**Case ID No.** 52373  
**Reg. Ent. Reference No.** RN101386605  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2015	19-Jan-2018	2.31	\$38	\$769	\$807
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement an alternative method of disinfection necessary to return to compliance, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000	<b>TOTAL</b>	\$807
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# Compliance History Report

**PUBLISHED** Compliance History Report for CN600341184, RN101386605, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600341184, City of Megargel      **Classification:** HIGH      **Rating:** 0.00

**Regulated Entity:** RN101386605, CITY OF MEGARGEL      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 902 CEDAR STREET IN MEGARGEL, ARCHER COUNTY, TEXAS

**TCEQ Region:** REGION 03 - ABILENE

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0050012

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

**Date Compliance History Report Prepared:** May 10, 2016

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** May 10, 2011 to May 10, 2016

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Sandra Douglas      **Phone:** (512) 239-2549

## 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 <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , 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: 04/27/2013      ADMIN ORDER 2012-1289-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM MCL 2Q2010 - The system violated the maximum contaminant level for trihalomethanes during the second quarter of 2010.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM MCL 3Q2010 - The system violated the maximum contaminant level for trihalomethanes during the third quarter of 2010.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM MCL 1Q2011 - The system violated the maximum contaminant level for trihalomethanes during the first quarter of 2011.
- Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

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

Description: TTHM MCL 2Q2011 - The system violated the maximum contaminant level for trihalomethanes during the second quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

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

Description: TTHM MCL 3Q2011 - The system violated the maximum contaminant level for trihalomethanes during the third quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

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

Description: TTHM MCL 4Q2011 - The system violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2011.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

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

Description: TTHM MCL 4Q2010 - The system violated the maximum contaminant level for trihalomethanes during the fourth quarter of 2010.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(iii)

30 TAC Chapter 290, SubChapter D 290.46(f)(4)

Description: FBRR - The system failed to retain records of the Recycling Practices Report form and other records pertaining to site-specific recycle practices for treatment plants that recycle for five years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

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

Description: TTHM MCL 1Q2012 - The system violated the maximum contaminant level for trihalomethanes during the first quarter of 2012.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (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: 10/16/2015 (1312418)  | CN600341184              |
|   | Self Report? NO   | Classification: Moderate |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  |                          |
|   | Description: HAA5 LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.063 mg/L at 1822 State Hwy 114, Megargel (DBP2-01).  |                          |
| 2 | Date: 01/11/2016 (1312418)  | CN600341184              |
|   | Self Report? NO   | Classification: Moderate |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  |                          |
|   | Description: HAA5 LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.066 mg/L at 1822 State Hwy 114, Megargel (DBP2-01). |                          |
| 3 | Date: 03/29/2016 (1312418)  | CN600341184              |
|   | Self Report? NO   | Classification: Moderate |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  |                          |
|   | Description: HAA5 LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.076 mg/L at 1822 State Hwy 114, Megargel (DBP2-01).  |                          |

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



Description: HAA5 LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.066 mg/L at 1822 State Hwy 114, Megargel (DBP2-01).

Date: 03/29/2016 (1312418) CN600341184

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: HAA5 LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.076 mg/L at 1822 State Hwy 114, Megargel (DBP2-01).

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

## Appendix B

### All Investigations Conducted During Component Period May 10, 2011 and May 10, 2016

Item 1	May 16, 2012**	(1006927) For Informational Purposes Only
Item 2	May 28, 2012**	(1006999) For Informational Purposes Only
Item 3	July 09, 2013**	(1101132) For Informational Purposes Only
Item 4	April 28, 2016	(1312418) For Informational Purposes Only
Item 5	May 06, 2016	(1329546) For Informational Purposes Only

\* No violations documented during this investigation

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MEGARGEL  
RN101386605**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2016-0747-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Megargel (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated 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 the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 902 Cedar Street in Megargel, Archer County, Texas (the "Facility"). The Facility provides water for human consumption, has 188 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(69).
2. During a record review conducted on April 11, 2016 through May 6, 2016, TCEQ staff documented that the locational running annual average concentrations for haloacetic acids ("HAA5") for Stage 2 Disinfectant Byproducts ("DBP2") at Site 1 were 0.063 milligrams per liter ("mg/L") for the third quarter of 2015; 0.066 mg/L for the fourth quarter of 2015; and 0.076 mg/L for the first quarter of 2016.
3. The Respondent received notice of the violations on May 12, 2016.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1), TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$195 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$195 penalty.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Megargel, Docket No. 2016-0747-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for HAA5 based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115(f)(1).

- b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

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

7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. 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.
10. 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

Pamela Martin J  
\_\_\_\_\_  
For the Executive Director

10/3/16  
\_\_\_\_\_  
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, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Jerry Goodwin  
\_\_\_\_\_  
Signature

June 22, 2016  
\_\_\_\_\_  
Date

Jerry Goodwin  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Megargel

Mayor  
\_\_\_\_\_  
Title

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

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