

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 38222
Tom Green County Fresh Water Supply District 2
RN101426047
Docket No. 2013-2179-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

Public Water Supply

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

508 Anson Street, Christoval, Tom Green County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: October 10, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$10,302

Total Paid to General Revenue: \$292

Total Due to General Revenue: \$10,010

Payment Plan: 35 payments of \$286 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 24, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): December 5, 2013

Violation Information

1. Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iii.].
2. Failed to measure the performance of the disinfectant facilities (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 to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan [30 TEX. ADMIN. CODE § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iv.].
3. Failed to provide jar tests for determining the optimum coagulant dose [30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.i.].
4. Failed to calibrate flow measuring devices at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.ii.].
5. Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iii.].
6. Failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility 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 Facility is not staffed [TEX. HEALTH & SAFETY CODE § 341.033(a); 30 TEX. ADMIN. CODE § 290.46(e)(5)(F); and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iv.].
7. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.v.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 10 days:
 - a. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit; and
 - b. Ensure that the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) is measured at sites designated in the Facility's monitoring plan at least once each day, when peak hourly flow rates are occurring.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 38222
Tom Green County Fresh Water Supply District 2
RN101426047
Docket No. 2013-2179-PWS-E

2. Within 30 days:
 - a. Begin providing jar tests for determining the optimum coagulant dose;
 - b. Begin calibrating the flow measuring devices at least every 12 months;
 - c. Begin calibrating the benchtop turbidimeter with primary standards at least every 90 days; and
 - d. Ensure that compliance testing equipment is properly calibrated using the most current standards, including using chlorine solutions of known concentrations to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days; and that all calibration records are properly maintained
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 and 2.
4. Within 60 days, ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating, or that the Facility 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 Facility is not staffed.
5. Within 75 days, submit written certification to demonstrate compliance with Technical Requirement No. 4.

Litigation Information

Date Petition(s) Filed: February 12, 2014; June 9, 2014
Date Answer(s) Filed: March 7, 2014
SOAH Referral Date: April 8, 2014
Hearing Date(s):
Preliminary Hearing: May 22, 2014 (waived)
Evidentiary Hearing: September 26, 2014 (scheduled)
Settlement Date: September 10, 2014

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3425
TCEQ Regional Contact: Christopher Mayben, P.G., San Angelo Regional Office, (325) 655-9479
Respondent Contact: Jean Ann Danbert, President, Tom Green County FWSD 2, P.O. Box 131, Christoval, Texas 76935-0131
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	9-Dec-2013	Screening	11-Dec-2013	EPA Due	
	PCW	11-Dec-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Tom Green County Fresh Water Supply District 2		
Reg. Ent. Ref. No.	RN101426047		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	38222	No. of Violations	7
Docket No.	2013-2179-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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	\$6,060
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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.

Compliance History	70.0% Enhancement	Subtotals 2, 3, & 7	\$4,242
Notes	Enhancement for one final agreed order containing a denial of liability and two final 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	\$36,139	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$39,104		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,302
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		
	Final Penalty Amount	\$10,302

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,302
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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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.	
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PAYABLE PENALTY	\$10,302
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Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 judgements 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) 70%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one final agreed order containing a denial of liability and two final agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iii.

Violation Description Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to check the calibration of the online turbidimeter once each week could affect maintenance of the disinfectant level in the water supplied to the customers of the Facility, exposing the customers to a significant amount of contaminants, which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4 Number of violation days 364

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Four quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$570

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media Violation No. Public Water Supply
 1

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]	\$520	15-Dec-2012	11-Dec-2013	1.91	\$50	\$520	\$570
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to check the calibration of the online turbidimeters at least once each week (\$10/wk), calculated from the effective date of TCEQ Agreed Order Docket No. 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance \$520

TOTAL \$570

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iv.

Violation Description

Failed to measure the performance of the disinfectant facilities (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 to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan. Specifically, the Facility is not manned continuously and therefore the specified measures were not being conducted for all times specified.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to monitor the performance of the disinfectant facilities on a daily basis and during peak flows could result in customers of the Facility being exposed to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 12 364 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,800

Twelve monthly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$219

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

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)	\$200	15-Dec-2012	11-Dec-2013	1.91	\$19	\$200	\$219

Notes for AVOIDED costs

The avoided cost includes the estimated amount to utilize procedures to ensure that the following are measured and recorded daily: disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone, calculated from the effective date of TCEQ Agreed Order Docket No. 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance \$200

TOTAL \$219

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.i.

Violation Description Failed to provide jar tests for determining the optimum coagulant dose.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to have the appropriate equipment to conduct necessary testing of the water supply could result in customers of the Facility being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4 364 Number of violation days

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

Violation Base Penalty \$200

Four quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$552

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media Public Water Supply
Violation No. 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	\$4,842	15-Dec-2012	1-Aug-2014	1.63	\$26	\$525	\$552
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 includes the amount to purchase jar testing equipment, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-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

\$4,842

TOTAL

\$552

Screening Date 11-Dec-2013 Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.ii.

Violation Description Failed to calibrate flow measuring devices at least once every 12 months.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to calibrate the flow meters can prevent the operator from making accurate usage and treatment calculations thereby exposing customers of the Facility to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 2 364 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$60

Two single events are recommended (one event per meter)

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$60

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
Media Public Water Supply
Violation No. 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				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]	\$62	15-Dec-2012	11-Dec-2013	1.91	\$6	\$62	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the flow meter on the clear well and one on the raw water side, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance \$62

TOTAL \$68

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(i) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iii.

Violation Description Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to properly calibrate laboratory equipment could expose customers of the Facility to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4

364 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$200

Four quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$110

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
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)				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]	\$100	15-Dec-2012	11-Dec-2013	1.91	\$10	\$100	\$110
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to calibrate the benchtop turbidimeter, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance \$100

TOTAL \$110

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(5)(F), Tex. Health & Safety Code § 341.033(a) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iv.

Violation Description

Failed to ensure that each Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility 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 Facility is not staffed. Specifically, a class "C" or higher surface water operator is not on duty at all times and the Facility is not provided with continuous turbidity and disinfectant residual monitors.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to ensure that the Facility is staffed by an appropriately licensed operator or have alarms to summon operators during periods when the surface water treatment plant is not staffed could expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 12 364 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,800

Twelve monthly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

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

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34,561

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
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)				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	\$33,280	15-Dec-2012	11-Dec-2013	0.99	\$1,646	\$32,915	\$34,561
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

The avoided cost includes the estimated amount to ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating or provide continuous monitoring equipment, calculated from the effective date of TCEQ Agreed Order Docket No. 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance

\$33,280

TOTAL

\$34,561

Screening Date 11-Dec-2013

Docket No. 2013-2179-PWS-E

PCW

Respondent Tom Green County Fresh Water Supply District 2

Policy Revision 3 (September 2011)

Case ID No. 38222

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101426047

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2012 0957-PWS-E, Ordering Provision No. 2.b.v.

Violation Description

Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, there were no calibration records at the time of the inspection for the chlorine meters being used and all standards for the chlorine meters were expired.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to calibrate equipment used for compliance testing could expose customers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 12

364 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,800

Twelve monthly events are recommended, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-E, December 15, 2012, to the screening date, December 11, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

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

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$3,060

This violation Final Assessed Penalty (adjusted for limits) \$3,060

Economic Benefit Worksheet

Respondent Tom Green County Fresh Water Supply District 2
Case ID No. 38222
Reg. Ent. Reference No. RN101426047
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	\$50	15-Dec-2012	1-Aug-2014	1.63	\$0	\$5	\$6
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 includes the estimated amount to provide standards for the chlorine meters, calculated from the effective date of TCEQ Agreed Order 2012-0957-PWS-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]	\$50	15-Dec-2012	11-Dec-2013	1.91	\$5	\$50	\$55
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount to verify the accuracy of the manual disinfectant residual analyzers using chlorine solutions of known concentrations, calculated from the effective date of TCEQ Agreed Order Docket No. 2012-0957-PWS-E to the screening date.

Approx. Cost of Compliance \$100

TOTAL \$60

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

PUBLISHED Compliance History Report for CN600740302, RN101426047, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600740302, Tom Green County FWSD 2 **Classification:** NOT APPLICABLE **Rating:** N/A
Regulated Entity: RN101426047, Tom Green County FWSD 2 **Classification:** NOT APPLICABLE **Rating:** N/A
CHRISTOVAL
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 08 - Sewage Treatment Facilities
Location: 508 ANSON STREET IN CHRISTOVAL, TOM GREEN COUNTY, TEXAS
TCEQ Region: REGION 08 - SAN ANGELO
ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 2260004
WATER LICENSING LICENSE 2260004

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: December 11, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 11, 2008 to December 11, 2013

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

Name: Epi Villarreal

Phone: (361) 825-3425

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:** 04/11/2010 **ADMINORDER** 2009-1374-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
Description: Failed to provide a flow measuring device for the raw water supplied to the treatment facility, as documented during an investigation conducted on June 5, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
Description: Failed to maintain records of the monthly calibration conducted on the on-line turbidimeters, as documented during an investigation conducted on June 5, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction, as documented during an investigation conducted on June 5, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failed to inspect each of the Facility's ground storage tanks on an annual basis, as documented during an investigation conducted on June 5, 2009.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, as documented during an investigation conducted on June 5, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
Description: Failed to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit, as documented during an investigation conducted on June 5, 2009.
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)
Description: Failed to complete the minimum level of required treatment to the water source prior to the water entering the distribution system, as documented during an investigation conducted on June 5, 2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to inspect the Facility's pressure tank on an annual basis. Specifically, on the date of the investigation, it was noted that the most recent inspection conducted on the Facility's one pressure tank was dated 2007.

2 Effective Date: 06/20/2011 ADMINORDER 2010-1414-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Description: Failure to provide jar tests for determining the optimum coagulant dose.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate the flow measuring devices at least once every 12 months.

Classification: Moderate

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

Description: Failure to calibrate the benchtop turbidimeter every 90 days.

Classification: Moderate

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

Description: Failure to maintain on file and make available for Commission review accurately completed copies of Surface Water Monthly Operating Report (SWMORs).

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Rqmt Prov:OP 2.a.i ORDER

Description: Failure to maintain records of the monthly calibration conducted on the on-line turbidimeters..

Classification: Major

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

Rqmt Prov:OP 2.a.ii ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Agreed Order Docket No. 2009-1374-PWS-E.

3 Effective Date: 12/15/2012 ADMINORDER 2012-0957-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(vi)

Rqmt Prov:OP 2.b.i. ORDER

Description: Failure to provide jar tests for determining the optimum coagulant dose. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Rqmt Prov:OP 2.b.ii. ORDER

Description: Failure to calibrate the flow measuring devices at least once every 12 months. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

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

Rqmt Prov:OP 2.b.iii. ORDER

Description: Failure to calibrate the benchtop turbidimeter every 90 days. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

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

30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Rqmt Prov:OP 2.1.ii. ORDER

Description: Failure to maintain records of on-line turbidimeters and laboratory equipment. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Major

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

Rqmt Prov:OP 2.a.iii. ORDER

Description: Failure to check the calibration of the on-line turbidimeters at least once each week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit. Failure to comply with Commission Order Docket No. 2010-1414-PWS-E.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(5)(F)

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failure to have at least one Class "C" or higher operator on duty at the water treatment plant when it is in operation.

Classification: Minor

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

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

Description: Failure to monitor the effectiveness of chemical treatment with accurate testing equipment.

Classification: Moderate

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

Description: Failure to measure the disinfectant residual, pH, temperature, and flow rate of the water at least once each day during a time when peak hourly raw water flow rates are occurring.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.111(h)(2)

Description: Failure to report the correct turbidity level of the combined filter effluent that is recorded every four hours that the system serves water to the public.

Classification: Moderate

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

Description: Failure to provide a functioning electronic record of the turbidity data.

Classification: Moderate

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

Description: Failure to conduct grab sampling every four hours in lieu of continuous turbidity monitoring following the failure of the continuous turbidity monitoring equipment.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to maintain a copy of the monitoring plan at the water treatment plant.

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.

N/A

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TOM GREEN COUNTY FRESH
WATER SUPPLY DISTRICT 2;
RN101426047**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-2179-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Tom Green County Fresh Water Supply District 2 ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed 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, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon 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 508 Anson Street in Christoval, Tom Green County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 230 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(66).
2. During an investigation conducted on September 24, 2013, a TCEQ San Angelo Regional Office investigator documented that Respondent:
 - a. Failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit;
 - b. Failed to measure the performance of the disinfectant facilities (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 to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring

- plan. Specifically, the Facility is not manned continuously and therefore the specified measures were not being conducted for all times specified;
- c. Failed to provide jar tests for determining the optimum coagulant dose;
 - d. Failed to calibrate flow measuring devices at least once every 12 months;
 - e. Failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days;
 - f. Failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility 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 Facility is not staffed; and
 - g. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations. Specifically, there were no calibration records for the chlorine meters being used and all standards for the chlorine meters were expired.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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.a., Respondent failed to check the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to measure the performance of the disinfectant facilities (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 to ensure that appropriate disinfectant levels are maintained and conducted at sites designated in the Facility's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(A) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.a.iv.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide jar tests for determining the optimum coagulant dose, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(15)(C)(vi) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.i.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to calibrate flow measuring devices at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.ii.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to calibrate the benchtop turbidimeter with primary standards at least every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(i) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iii.

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to ensure that the Facility has at least one Class "C" or higher surface water operator on duty when it is in operation or that the Facility 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 Facility is not staffed, in violation of TEX. HEALTH & SAFETY CODE § 341.033(a); 30 TEX. ADMIN. CODE § 290.46(e)(5)(F); and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.iv.
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2012-0957-PWS-E, Ordering Provision No. 2.b.v.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the TCEQ has the authority to assess an administrative penalty against 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.
10. An administrative penalty in the amount of ten thousand three hundred two dollars (\$10,302.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049. Respondent paid two hundred ninety-two dollars (\$292.00) of the administrative penalty. The remaining amount of ten thousand ten dollars (\$10,010.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred eighty-six dollars (\$286.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

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. 10, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Tom Green County Fresh Water Supply District 2, Docket No. 2013-2179-PWS-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, Respondent shall:
 - i. Begin checking the calibration of the online turbidimeters at least once a week using a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the online unit with the results from a properly calibrated benchtop unit, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 2); and
 - ii. Ensure that the performance of the disinfectant facilities (disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone) is measured at sites designated in the Facility's monitoring plan at least once each day, when peak hourly flow rates are occurring, in accordance with 30 TEX. ADMIN. CODE § 290.111 (Conclusion of Law No. 3).
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Begin providing jar tests for determining the optimum coagulant dose, in accordance with 30 TEX. ADMIN. CODE § 290.42 (Conclusion of Law No. 4);
 - ii. Begin calibrating the flow measuring devices at least every 12 months, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 5);
 - iii. Begin calibrating the benchtop turbidimeter with primary standards at least every 90 days, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 6); and
 - iv. Ensure that compliance testing equipment is properly calibrated using the most current standards, including using chlorine solutions of known concentrations to verify the accuracy of the manual disinfectant residual analyzer at least once every 30 days; and that all calibration records are properly maintained, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 8).
 - c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.f., below, to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b.
 - d. Within 60 days after the effective date of this Agreed Order, Respondent shall ensure that at least one Class "C" or higher surface water operator is on duty at all times when the Facility is operating, or that the Facility 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 Facility is not staffed, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 7).

- e. Within 75 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.f., below, to demonstrate compliance with Ordering Provision No. 2.d.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, 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."

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

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

- 3. All relief not expressly granted in this Agreed Order is denied.
- 4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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 in Ordering Provision No. 2.f., above.
- 6. This Agreed 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

- Agreed Order; or (2) pursue violations of a statute within the TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. 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 Agreed Order.
 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission," "owner," "person," "writing," and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
 10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



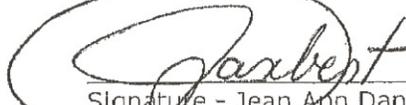
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Tom Green County Fresh Water Supply District 2, 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.

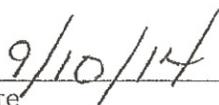
I also understand that failure to comply with the Ordering Provisions in this Agreed Order and/or failure to timely pay the penalty amount may result in:

- 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
- The 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 - Jean Ann Danbert, President
Tom Green County Fresh Water Supply District 2



Date