

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 51333
City of Corpus Christi
RN101385151
Docket No. 2015-1478-PWS-E

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Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

13101 Leopard Street, Corpus Christi, Nueces County

Type of Operation:

public water supply

Other Significant Matters:

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

Texas Register Publication Date: February 23, 2018

Comments Received: None

Penalty Information

Total Penalty Assessed: \$12,403

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

**Supplemental Environmental Project
("SEP") Conditional Offset:**

\$12,403

Name of SEP: *Household Hazardous Waste Collection; Nueces County: Nueces River Basin,
Gulf Coast Aquifer*

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Unclassified

Major Source: Yes

Statutory Limit Adjustment: \$42 enhancement (PCW 1)

Applicable Penalty Policy: April 2014

City of Corpus Christi
RN101385151
Docket No. 2015-1478-PWS-E

Investigation Information

Complaint Date(s):	July 22, 2015, July 28, 2015, August 31, 2015, September 21, 2015, September 23, 2015, May 16, 2016, May 17, 2016 (2), May 18, 2016, May 19, 2016, May 20, 2016, May 27, 2016, June 30, 2016
<i>Complaint Information:</i>	
<u>Tracking No. 217632:</u>	Alleges the public water system is inadequately maintained and operated, has difficulty maintaining the minimum pressure within the system, possible cross contamination and failure to notify the public.
<u>Tracking No. 217908:</u>	Concern with reoccurring discoloration problems in the drinking water. Also concerned that fluoride is no longer added to the drinking water for dental health.
<u>Tracking No. 219622:</u>	Concern with the minimum disinfectant level being maintained in the distribution system and possible bacteria in the water.
<u>Tracking No. 220512:</u>	Concern with the discoloration and quality of water.
<u>Tracking No. 220591:</u>	Concern with the high disinfectant levels in the drinking water due to their sensitivity to chlorine.
<u>Tracking No. 233295:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 233387:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 233388:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 233435:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 233450:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 233560:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 234289:</u>	Concern with the quality of water and the number of boil water notices.
<u>Tracking No. 236645:</u>	Concern with the quality of water and the number of boil water notices.

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Date(s) of Investigation: July 16, 2015 through September 25, 2015,
May 3, 2016 through June 3, 2016
Record Review(s): September 8, 2015 through September 25, 2015
Date(s) of NOV(s): N/A
Date(s) of NOE(s): September 25, 2015, December 11, 2015, September 28, 2016

Violation Information

Investigation Date: July 16, 2015 through September 25, 2015

1. Failed to use gauges in the testing of backflow prevention assemblies that have been tested for accuracy annually [30 TEX. ADMIN. CODE § 290.44(h)(4)(B)].
2. Failed to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].
3. Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition [30 TEX. ADMIN. CODE § 290.46(m)(4) and (m)(6)].
4. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4)].
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment [30 TEX. ADMIN. CODE § 290.46(m)].
6. Failed to maintain water works operation and maintenance records, and make them readily available for review by Commission personnel upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I), and (f)(3)(B)(v)].
7. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations [30 TEX. ADMIN. CODE § 290.110(f)(1)(A)].
8. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine (measured as total chlorine) throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4)].

Investigation Date: May 3, 2016 through June 3, 2016

9. Failed to meet the conditions of an issued exception [30 TEX. ADMIN. CODE § 290.39(l)(5)].
10. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(f) [30 TEX. ADMIN. CODE § 290.44(h)(1)(A)].
11. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4)].
12. Failed to ensure nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
13. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations [30 TEX. ADMIN. CODE § 290.110(f)(1)(A)].

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Investigation Date: September 8, 2015 through September 25, 2015

14. Failed to comply with the acute MCL for microbial contaminants for the month of July 2015 [TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE § 290.109(f)(1)(A)].
15. Failed to comply with the non-acute MCL for microbial contaminants during the month of August 2015 [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.109(f)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. Submitted photographs that demonstrated that all leaks had been repaired at pump no. 1 at the Staples Street Pump Station; pump no. 2 at the Holly Road Pump Station; and pump no. 1 at the Sand Dollar Pump Station as of October 6, 2015;
2. Began maintaining completed water works operation records and maintenance records, including: properly completing records of backflow prevention device reports and collected and began maintaining records for the amount of each chemical used each day at all sites on October 6, 2015 through October 22, 2015;
3. Began complying with applicable coliform monitoring requirements by returning to compliance with the acute and non-acute MCL for microbial contaminants as of January 22, 2016;
4. Tested and certified the backflow prevention assembly devices at the carwash in front of the Stripes Convenience Store (Ennis Joslin Street and McArdle Road) and the carwash at the Valero Corner Store (South Padre Island Drive and Ennis Joslin Street) by a recognized backflow prevention assembly tester as of March 8, 2016;
5. Tested the Conbraco gauge (model 40-200TK5; Serial No. 258267) as of April 1, 2016;
6. Began maintaining a minimum disinfectant residual of 0.2 mg/L of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) pursuant to the nitrification action plan ("NAP") on August 15, 2016;
7. Began maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment by refurbishing the interior of the Alameda elevated storage tank ("EST"), repairing the hole noted on the side wall plate of the Morgan EST, and refurbishing the interior, exterior, and roof ventilation, as well as repairing the holes in the roof plates of the Flour Bluff EST as of August 31, 2016;
8. Began using the correct procedures when collecting samples for the measurement of the disinfectant residual within the distribution system as of November 2, 2016;
9. Notified TCEQ that it would flush all dead-end mains at monthly intervals, as of August 1, 2016; and
10. Required the contractor to disconnect the hose from the fire hydrant at the intersection of Ocean Drive and Claremore Street.

Technical Requirements:

1. Within 10 days, include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, including but not limited to: using all disinfectant residual monitoring results from sites designated on the monitoring plan when preparing Surface Water Monthly Operating Reports ("SWMORs").
2. Within 15 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.

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3. Within 30 days:
 - a. Take appropriate actions listed in the NAP by responding to criteria for a triggered action to ensure that the NAP is followed so that nitrification is controlled;
 - b. Flush all dead-end mains at monthly intervals; and
 - c. Comply with the Facility's operational guidance, conduct employee training, and ensure that the disinfectant residual concentration of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine (measured as total chlorine) is maintained throughout the distribution system at all times.
4. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 3.a. through 3.c.

Litigation Information

Date Petition(s) Filed: June 21, 2017
Date Answer(s) Filed: July 12, 2017
SOAH Referral Date: September 15, 2017
Hearing Date(s):
 Preliminary hearing: November 2, 2017 (waived)
 Evidentiary hearing: April 26, 2018 (remanded)
Settlement Date: January 15, 2018

Contact Information

TCEQ Attorneys: Audrey Liter, Litigation Division, (512) 239-3400
 Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Division Agenda Coordinator: Janice Hernandez, (512) 239-2575
TCEQ SEP Attorney: Meaghan Bailey, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3421
TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 825-3100
Respondent Contact: Margie C. Rose, City Manager, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469
Respondent's Attorney: Nathan Vassar, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Dec-2015			
	PCW	17-Feb-2017	Screening	16-Dec-2015	EPA Due 31-Dec-2015

RESPONDENT/FACILITY INFORMATION

Respondent	City of Corpus Christi				
Reg. Ent. Ref. No.	RN101385151				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	51333	No. of Violations	8
Docket No.	2015-1478-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** **\$4,210**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Adjustment **Subtotals 2, 3, & 7** **\$0**

Notes No adjustment for compliance history.

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** **-\$369**

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

Total EB Amounts \$35,191
Estimated Cost of Compliance \$504,814
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,841**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,841**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,883**

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

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$3,883**

Screening Date 16-Dec-2015

Docket No. 2015-1478-PWS-E

PCW

Respondent City of Corpus Christi

Case ID No. 51333

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385151

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>)	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

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

Base Penalty \$1,000

Percent 30.0%

Percent 0.0%

Adjustment	\$700
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\$300

Violation Base Penalty	\$600
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Reduction	\$60
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Violation Subtotal	\$540
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This violation Final Assessed Penalty (adjusted for limits) \$540

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
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	16-Sep-2014	16-Sep-2015	1.92	\$6	\$62	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the gauge used to test the backflow prevention assemblies (\$31 x two assemblies), calculated for the 12-month period preceding the date of the investigation.

Approx. Cost of Compliance \$62

TOTAL \$68

Screening Date	16-Dec-2015	Docket No.	2015-1478-PWS-E	PCW
Respondent	City of Corpus Christi	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	51333	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN101385151			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(4)			
Violation Description	Failed to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, the backflow prevention assemblies at the carwash in front of the Stripes Convenience Store (Ennis Joslin Street and McArdle Road) and the carwash at the Valero Corner Store (South Padre Island Drive and Ennis Joslin Street) had not been tested within the last year.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
Potential	x			
Percent				30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Failure to test backflow prevention assemblies on an annual basis would not ensure the devices are operating properly and could result in a reverse flow of contaminants entering the water mains which would exceed levels protective of human health.			
Adjustment				\$700
				\$300
Violation Events				
Number of Violation Events		2	365	Number of violation days
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
Violation Base Penalty				\$600
Two annual events are recommended (one annual event for each backflow prevention assembly).				
Good Faith Efforts to Comply		10.0%	Reduction	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary			x	
N/A			(mark with x)	
Notes	The Respondent achieved compliance on March 8, 2016.			
Violation Subtotal				\$540
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$68	Violation Final Penalty Total		\$540
This violation Final Assessed Penalty (adjusted for limits)				\$540

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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]	\$62	16-Sep-2014	16-Sep-2015	1.92	\$6	\$62	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the backflow prevention assemblies (\$31 x two assemblies), calculated for the 12 month period preceding the date of the investigation.

Approx. Cost of Compliance \$62

TOTAL \$68

Screening Date 16-Dec-2015
Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-1478-PWS-E

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

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4) and (m)(6)
Violation Description Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition. Specifically, three leaks were observed at the following locations: pump no. 1 at the Staples Street Pump Station; pump no. 2 at the Holly Road Pump Station; and pump no. 1 at the Sand Dollar Pump Station.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		Actual	Potential		
					0.0%

Failure to properly maintain the Facility's equipment could expose employees of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 3 20 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$450

Three quarterly events are recommended (one event per leak) calculated from the date of the investigation, September 16, 2015, to the date of compliance, October 6, 2015.

Good Faith Efforts to Comply

25.0%

Reduction \$112

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

Notes The Respondent achieved compliance on October 6, 2015.

Violation Subtotal \$338

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$338

This violation Final Assessed Penalty (adjusted for limits) \$338

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$3,000	16-Sep-2015	6-Oct-2015	0.05	\$1	\$11	\$12
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount necessary to repair the three leaks on; pump no. 1 at the Staples Street Pump Station; pump no. 2 at the Holly Road Pump Station; and pump no. 1 at the Sand Dollar Pump Station, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$12

Screening Date 16-Dec-2015 Respondent City of Corpus Christi Case ID No. 51333 Reg. Ent. Reference No. RN101385151 Media [Statute] Public Water Supply Enf. Coordinator Epifanio Villarreal	Docket No. 2015-1478-PWS-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>																
Violation Number <input type="text" value="4"/>																		
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)																		
Violation Description Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/l of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected at various areas within the distribution system contained chloramine residuals below the minimum of 0.5 mg/L on July 16, 2015, September 2, 2015, September 3, 2015, September 4, 2015, September 6, 2015, and September 8, 2015; and contained free chlorine residuals below the minimum of 0.2 mg/L on September 8, 2015.																		
Base Penalty		<input type="text" value="\$1,000"/>																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%; text-align: center;">Major</td> <td style="width: 20%; text-align: center;">Harm</td> <td style="width: 20%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		Major	Harm	Minor	Release				Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="15.0%"/>
		Major	Harm	Minor														
	Release																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	x	<input type="text"/>															
>> Programmatic Matrix																		
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"></td> <td style="width: 20%; text-align: center;">Major</td> <td style="width: 20%; text-align: center;">Moderate</td> <td style="width: 20%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>								
		Major	Moderate	Minor														
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>														
<input type="text" value="Failure to maintain proper levels of disinfection could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health."/>																		
Adjustment		<input type="text" value="\$850"/>																
		<input type="text" value="\$150"/>																
Violation Events																		
Number of Violation Events <input type="text" value="6"/>		<input type="text" value="6"/> Number of violation days																
<i>mark only one with an x</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 20%;">daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty <input type="text" value="\$900"/>		
	daily	<input type="text"/>																
	weekly	<input type="text"/>																
	monthly	<input type="text"/>																
	quarterly	<input type="text"/>																
	semiannual	<input type="text"/>																
	annual	<input type="text"/>																
single event	x																	
<input type="text" value="Six single events are recommended."/>																		
Good Faith Efforts to Comply																		
0.0%		Reduction <input type="text" value="\$0"/>																
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary <input type="text"/>	<input type="text"/>																	
Ordinary <input type="text"/>	<input type="text"/>																	
N/A <input type="text" value="x"/>	(mark with x) <input type="text"/>																	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																	
Violation Subtotal		<input type="text" value="\$900"/>																
Economic Benefit (EB) for this violation																		
Statutory Limit Test																		
Estimated EB Amount	<input type="text" value="\$1,273"/>	Violation Final Penalty Total <input type="text" value="\$900"/>																
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$900"/>																

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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)	\$100	16-Jun-2015	1-May-2017	1.88	\$9	n/a	\$9

Notes for DELAYED costs

The delayed cost include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that a disinfectant residual concentration of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine (measured as total chlorine) is maintained at all times, calculated from the investigation date 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]	\$1,200	16-Jul-2015	8-Sep-2015	1.07	\$64	\$1,200	\$1,264
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system, calculated for the dates the low disinfectant residuals were documented.

Approx. Cost of Compliance

\$1,300

TOTAL

\$1,273

Screening Date	16-Dec-2015	Docket No.	2015-1478-PWS-E	PCW	
Respondent	City of Corpus Christi	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	51333	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN101385151				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	5				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)				
Violation Description	<p>Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, a review of the elevated storage tank ("EST") inspections conducted on August 10, 2015, by Texas Tank Service, indicated the following: corrosion on the interior of the Alameda EST; a hole in the side wall plate of the Morgan EST; and a significant amount of corrosion on the interior, exterior, roof ventilation, and holes in the roof plates of the Flour Bluff EST.</p>				
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	<p>Failure to maintain the good working condition and general appearance of the Facility and its equipment could result in customers of the Facility being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.</p>				
Adjustment	\$850				
					\$150
Violation Events					
Number of Violation Events		3	91	Number of violation days	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly		x		
	semiannual				
	annual				
	single event				
Violation Base Penalty		\$450			
<p>Three quarterly events are recommended (one quarterly event per tank), calculated from the date of the investigation, September 16, 2015, to the date of screening, December 16, 2015.</p>					
Good Faith Efforts to Comply		10.0%	Reduction		\$45
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer					
Extraordinary					
Ordinary		x			
N/A		(mark with x)			
Notes	<p>The Respondent achieved compliance on August 31, 2016.</p>				
Violation Subtotal		\$405			
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount	\$33,562	Violation Final Penalty Total	\$405		
This violation Final Assessed Penalty (adjusted for limits)		\$405			

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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)	\$500,000	16-Sep-2015	31-Aug-2016	0.96	\$1,598	\$31,963	\$33,562
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 refurbish the Alameda EST, Morgan EST, and Flour Bluff EST, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500,000

TOTAL

\$33,562

Screening Date	16-Dec-2015	Docket No.	2015-1478-PWS-E	PCW	
Respondent	City of Corpus Christi				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	51333				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101385151				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	6				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(i)(I) and (f)(3)(B)(v)				
Violation Description	Failed to maintain water works operation and maintenance records, and make them readily available for review by Commission personnel upon request. Specifically, records of the amount of chemicals used each day and records of backflow prevention devices completed by the backflow prevention assembly testers, were not properly completed and available for review.				
		Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	At least 70% of the rule requirement was met.				
		Adjustment	\$990		
			\$10		
Violation Events					
	Number of Violation Events	1	91	Number of violation days	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x	Violation Base Penalty \$10	
	One single event is recommended.				
Good Faith Efforts to Comply					
		25.0%			Reduction \$2
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary	x			
	N/A		(mark with x)		
	Notes	The Respondent achieved compliance on October 22, 2015.			
		Violation Subtotal	\$8		
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$0	Violation Final Penalty Total	\$8	
	This violation Final Assessed Penalty (adjusted for limits) \$50				

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media Public Water Supply
Violation No. 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)	\$45	16-Sep-2015	6-Oct-2015	0.05	\$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)	\$45	16-Sep-2015	22-Oct-2015	0.10	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain records of the amount of chemicals used each day, calculated from the date of the investigation to the date of compliance. The other delayed cost includes the estimated amount to maintain complete records of backflow prevention device programs, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$90

TOTAL

\$0

Screening Date 16-Dec-2015 Respondent City of Corpus Christi Case ID No. 51333 Reg. Ent. Reference No. RN101385151 Media [Statute] Public Water Supply Enf. Coordinator Epifanio Villarreal	Docket No. 2015-1478-PWS-E	PCW <i>Policy Revision 4 (April 2014)</i> <i>PCW Revision March 26, 2014</i>
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Violation Number	7	Rule Cite(s)	30 Tex. Admin. Code § 290.110(f)(1)(A)
Violation Description	Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations. Specifically, not all the disinfectant residual measurements were reported on the Surface Water Monthly Operating Reports ("SWMOR").		
Base Penalty			\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to include all monitoring results in the compliance determination calculations could expose customers of the Facility to contaminants which would exceed levels protective of human health.
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Adjustment	\$700
\$300	

Violation Events

Number of Violation Events	3	91	Number of violation days
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<i>mark only one with an x</i>	daily			Violation Base Penalty \$900
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			

Three monthly events are recommended, calculated from the date of the investigation, September 16, 2015, to the date of screening, December 16, 2015.

Good Faith Efforts to Comply

10.0%	Reduction \$90
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A		(mark with x)	
Notes	The Respondent achieved compliance on November 2, 2016.		

Violation Subtotal	\$810
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$8
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Statutory Limit Test

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

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media Public Water Supply
Violation No. 7

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)	\$100	16-Sep-2015	2-Nov-2016	1.13	\$0	\$8	\$8
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations and that all the disinfectant residual measurements are reported on the SWMOR, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

Screening Date	16-Dec-2015	Docket No.	2015-1478-PWS-E	PCW	
Respondent	City of Corpus Christi				<i>Policy Revision 4 (April 2014)</i>
Case ID No.	51333				<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101385151				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	8				
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description	Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/l chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected on September 5, 2015 at 6101 Ocean Drive and 7526 McArdle Road measured a chloramine residual of 0.00 mg/L.				
		Base Penalty	\$1,000		
>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 30.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to maintain proper levels of disinfection could expose customers of the Facility to contaminants which would exceed levels that are protective of human health.				
		Adjustment	\$700		
			\$300		
Violation Events					
	Number of Violation Events	1	1	Number of violation days	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		
	Violation Base Penalty \$300				
	One single event is recommended.				
Good Faith Efforts to Comply					
		0.0%	Reduction		\$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	Extraordinary				
	Ordinary				
	N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.				
	Violation Subtotal	\$300			
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$200	Violation Final Penalty Total		\$300
	This violation Final Assessed Penalty (adjusted for limits)				\$300

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the Economic Benefit Worksheet for Violaton No. 4

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	5-Sep-2015	15-Sep-2015	0.00	\$0	\$200	\$200

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system, calculated for the dates the low disinfectant residuals were documented.

Approx. Cost of Compliance

\$200

TOTAL

\$200



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	29-Sep-2016			
	PCW	16-Feb-2017	Screening	30-Sep-2016	EPA Due 31-Dec-2015

RESPONDENT/FACILITY INFORMATION

Respondent	City of Corpus Christi	
Reg. Ent. Ref. No.	RN101385151	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	51333	No. of Violations	5
Docket No.	2015-1478-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 6
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,350**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Adjustment **Subtotals 2, 3, & 7** **\$0**

Notes No adjustment for compliance history.

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 \$2,344
Estimated Cost of Compliance \$2,600
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$7,350**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$7,350**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$7,350**

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

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$7,350**

Screening Date 30-Sep-2016

Docket No. 2015-1478-PWS-E

PCW

Respondent City of Corpus Christi

Case ID No. 51333

Reg. Ent. Reference No. RN101385151

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	30-Sep-2016	Docket No.	2015-1478-PWS-E	PCW	
Respondent	City of Corpus Christi	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	51333	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN101385151				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 290.39(l)(5)				
Violation Description	<p>Failed to meet the conditions of an issued exception. Specifically, the Commission granted the Respondent an exception to the monthly dead-end main ("DEM") flushing, as required by 30 Tex. Admin Code 290.46(l), contingent upon the Respondent's compliance with the conditions outlined in the revised exception granted November 1, 2010. The revised exception establishes DEM flushing guidelines based on a total residual chlorine ("TRC") minimum of 0.5 milligrams per liter ("mg/L"), requiring the following actions for initially and subsequently low TRC within 24 hours, monitor impacted DEM for TRC, monochloramine ("mono") and free available ammonia ("FAA"), place impacted DEM in the twice a month flushing groups, and within five days monitor impacted DEM for changes in TRC, mono, FAA, and flush DEM if TRC is below 1.5 mg/L. However, based on a review of the flushing records from March 2016 through June 2016, this protocol was not followed for impacted DEM Nos. 1558 and 1179.</p>				
Base Penalty				\$1,000	
>> Environmental, Property and Human Health Matrix					
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 30.0%
>> Programmatic Matrix					
Matrix Notes	Falsification	Major	Moderate	Minor	
					Percent 0.0%
	Failure to meet the operation, maintenance, and reporting requirements of an issued exception could expose customers of the Facility to contaminants which would exceed levels that are protective of human health.				
Adjustment				\$700	
				\$300	
Violation Events					
Number of Violation Events		4	121	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
Violation Base Penalty \$1,200					
Four monthly events are recommended calculated from the dates the protocol was not followed, March 1, 2016 through June 30, 2016.					
Good Faith Efforts to Comply		0.0%	Reduction \$0		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary				
	N/A	x			
	Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$1,200	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		\$1	Violation Final Penalty Total \$1,200		
This violation Final Assessed Penalty (adjusted for limits)				\$1,200	

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
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	\$50	29-Sep-2016	1-May-2017	0.59	\$1	n/a	\$1
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 comply with the conditions of an issued exception, calculated from the date of the investigation to the estimated date of compliance.						
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$50			TOTAL		\$1	

Screening Date 30-Sep-2016
Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-1478-PWS-E

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

0.0%Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total** **This violation Final Assessed Penalty (adjusted for limits)**

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	3-May-2016	1-Jul-2017	1.16	\$1	\$15	\$16
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 install a backflow prevention assembly or an air gap on a hose connected to a fire hydrant located at corner of Ocean Drive and Claremore Street, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$16

Screening Date 30-Sep-2016
Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-1478-PWS-E

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

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
Violation Description
 Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/l of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected at various locations within the distribution system contained chloramine residuals below the minimum of 0.5 mg/L on March 22, 2016, April 12, 2016, April 19, 2016, April 21, 2016, April 22, 2016, April 26, 2016, May 3, 2016, May 4, 2016, May 10, 2016, May 12, 2016, and May 13, 2016.

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				Percent
		Major	Moderate	Minor	
					0.0%

Matrix Notes

Failure to maintain proper levels of disinfection could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 11 11 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,650

Eleven single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$1,650

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,317**Violation Final Penalty Total** \$1,650**This violation Final Assessed Penalty (adjusted for limits)** \$1,650

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

The delayed costs are captured in the Economic Benefit Worksheet for Violaton No. 4 on the other Rev. 4 PCW.

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]	\$2,200	22-Mar-2016	13-May-2016	1.06	\$117	\$2,200	\$2,317
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount for additional maintenance and oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system, calculated for the dates the low disinfectant residuals were documented.

Approx. Cost of Compliance

\$2,200

TOTAL

\$2,317

Screening Date 30-Sep-2016
Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
Media [Statute] Public Water Supply
Enf. Coordinator Epifanio Villarreal

Docket No. 2015-1478-PWS-E

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

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5)
Violation Description Failed to ensure nitrification is controlled. Specifically, the Respondent's then-current nitrification action plan ("NAP") was not followed during the first month's criteria for a level 3 triggered action response and at least four additional occasions throughout the months of April and May 2016.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failing to control nitrification and implement the appropriate action listed in the NAP could expose customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 5 150 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Five monthly events are recommended calculated from the date of the investigation, May 3, 2016, to the date of screening, September 30, 2016.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A x

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$50	3-May-2016	1-May-2017	0.99	\$0	\$3	\$3
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 in taking appropriate actions listed in the NAP by responding to criteria for a level 3 triggered action to ensure that the NAP is followed so that nitrification is controlled, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Screening Date	30-Sep-2016	Docket No.	2015-1478-PWS-E	PCW
Respondent	City of Corpus Christi			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	51333			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101385151			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(f)(1)(A)			
Violation Description	<p>Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations. Specifically, the Surface Water Monthly Operating Report ("SWMOR") submitted for the reporting month of March 2016 indicated there were zero readings with a low residual and as such the percentage of readings with a low residual during this month was 0.0%, while data submitted by the Respondent indicates there was one reading with a low residual and the percentage of readings with a low residual was 0.3%. The SWMOR submitted for the reporting month of April 2016 indicated there was one reading with a low residual and the percentage of readings with a low residual during this month was 0.4% while data submitted by the Respondent indicates six readings with a low residual and the percentage of readings with a low residual was 2.2%.</p>			
		Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	x		
				Percent 30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Failure to include all monitoring results in the compliance determination calculations could expose customers of the Facility to significant amounts of contaminants which would not exceed levels protective of human health.			
		Adjustment	\$700	
			\$300	
Violation Events				
	Number of Violation Events	5	150	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$1,500
	Five monthly events are recommended calculated from the date of the investigation, May 3, 2016, to the date of screening, September 30, 2016.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$1,500	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$6	Violation Final Penalty Total	\$1,500
	This violation Final Assessed Penalty (adjusted for limits)			\$1,500

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	3-May-2016	1-Apr-2017	0.91	\$0	\$6	\$6
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations and that all the disinfectant residual measurements are reported on the SWMOR, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	28-Sep-2015			
	PCW	16-Feb-2017	Screening	29-Sep-2015	EPA Due 31-Dec-2015

RESPONDENT/FACILITY INFORMATION

Respondent	City of Corpus Christi	
Reg. Ent. Ref. No.	RN101385151	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	51333	No. of Violations	2
Docket No.	2015-1478-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	\$1,300
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$130
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$210	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$200	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,170
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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	
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Final Penalty Amount	\$1,170
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,170
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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	\$1,170
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Screening Date 29-Sep-2015

Docket No. 2015-1478-PWS-E

PCW

Respondent City of Corpus Christi

Policy Revision 4 (April 2014)

Case ID No. 51333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385151

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>)	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date	29-Sep-2015	Docket No.	2015-1478-PWS-E	PCW
Respondent	City of Corpus Christi	<i>Policy Revision 4 (April 2014)</i>		
Case ID No.	51333	<i>PCW Revision March 26, 2014</i>		
Reg. Ent. Reference No.	RN101385151			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.109(f)(1)(A) and Tex. Health & Safety Code § 341.031(a)			
Violation Description	Failed to comply with the acute MCL for microbial contaminants for the month of July 2015.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual	x		
Potential				
Percent				100.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	As a result of the exceedance, persons served by the Facility have been exposed to contaminants which exceed levels that are protective of human health.			
Adjustment				\$0
				\$1,000
Violation Events				
Number of Violation Events		1	31	Number of violation days
<i>mark only one with an x</i>	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$1,000
One monthly event is recommended, calculated for the month of the exceedance.				
Good Faith Efforts to Comply		10.0%	Reduction	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary			x	
N/A			(mark with x)	
Notes	The Respondent achieved compliance on January 22, 2016.			
Violation Subtotal				\$900
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$105	Violation Final Penalty Total	\$900	
This violation Final Assessed Penalty (adjusted for limits)				\$900

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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
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	1-Jul-2015	31-Jul-2015	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount for additional sampling and oversight to identify the source of the contamination, calculated for the month in which the exceedance occurred.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date	29-Sep-2015	Docket No.	2015-1478-PWS-E	PCW	
Respondent	City of Corpus Christi	<i>Policy Revision 4 (April 2014)</i>			
Case ID No.	51333	<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No.	RN101385151				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Epifanio Villarreal				
Violation Number	2				
Rule Cite(s)	30 Tex. Admin. Code § 290.109(f)(2) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description	Failed to comply with the non-acute MCL for microbial contaminants during the month of August 2015.				
Base Penalty	\$1,000				
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual		x		Percent 30.0%
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent 0.0%
Matrix Notes	As a result of the exceedance, persons served by the Facility have been exposed to significant amounts of contaminants which would not exceed levels protective of human health.				
Adjustment	\$700				
Violation Events					
Number of Violation Events		1	31	Number of violation days	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly		x		
	quarterly				
	semiannual				
	annual				
	single event				
Violation Base Penalty		\$300			
One monthly event is recommended.					
Good Faith Efforts to Comply		10.0%	Reduction \$30		
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer					
Extraordinary					
Ordinary		x			
N/A		(mark with x)			
Notes	The Respondent achieved compliance on January 22, 2016.				
Violation Subtotal		\$270			
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	\$105	Violation Final Penalty Total		\$270	
This violation Final Assessed Penalty (adjusted for limits)		\$270			

Economic Benefit Worksheet

Respondent City of Corpus Christi
Case ID No. 51333
Reg. Ent. Reference No. RN101385151
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]	\$100	1-Aug-2015	31-Aug-2015	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The one-time avoided cost includes the estimated amount for additional sampling and oversight to identify the source of the contamination, calculated for the month in which the exceedance occurred.

Approx. Cost of Compliance

\$100

TOTAL

\$105

The TCEQ is committed to accessibility.

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



TCEQ Compliance History Report

Compliance History Report for CN600131858, RN101385151, Rating Year 2016 which includes Compliance History (CH) components from September 1, 2011, through August 31, 2016.

Customer, Respondent, or Owner/Operator: CN600131858, City of Corpus Christi **Classification:** SATISFACTORY **Rating:** 0.18

Regulated Entity: RN101385151, CITY OF CORPUS CHRISTI **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 13101 LEOPARD ST, CORPUS CHRISTI, NUECES COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT 2E0000130

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1780003

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 76496

Compliance History Period: September 01, 2011 to August 31, 2016 **Rating Year:** 2016 **Rating Date:** 09/01/2016

Date Compliance History Report Prepared: September 30, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 30, 2011 to September 30, 2016

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

Name: EPI VILLARREAL

Phone: (361) 825-3421

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 |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CORPUS CHRISTI;
RN101385151**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2015-1478-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Corpus Christi ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Nathan Vassar and Brad Castleberry of Lloyd Gosselink Rochelle & Townsend, P.C., presented this Order to the Commission.

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

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 13101 Leopard Street in Corpus Christi, Nueces County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 131,893 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(71).
2. During an investigation conducted on July 16, 2015 through September 25, 2015, an investigator documented that Respondent:
 - a. Failed to use gauges in the testing of backflow prevention assemblies that have been tested for accuracy annually. Specifically, the two backflow prevention assemblies installed at the Bay Area Health Group

were tested on July 9 and July 31, 2015 using a Conbraco gauge (model 40-200TK5; Serial No. 258267) that was last tested for accuracy on February 3, 2014;

- b. Failed to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications. Specifically, the backflow prevention assemblies at the carwash in front of the Stripes Convenience Store (Ennis Joslin Street and McArdle Road) and the carwash at the Valero Corner Store (South Padre Island Drive and Ennis Joslin Street) had not been tested within the last year;
- c. Failed to maintain pumps, motors, valves, and other mechanical devices in good working condition. Specifically, three leaks were observed at the following locations: pump no. 1 at the Staples Street Pump Station; pump no. 2 at the Holly Road Pump Station; and pump no. 1 at the Sand Dollar Pump Station;
- d. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected at various areas within the distribution system contained chloramine residuals below the minimum of 0.5 mg/L on July 16, 2015, September 2, 2015, September 3, 2015, September 4, 2015, September 6, 2015, and September 8, 2015; and contained free chlorine residuals below the minimum of 0.2 mg/L on September 8, 2015;
- e. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment. Specifically, a review of the elevated storage tank ("EST") inspections conducted on August 10, 2015, by Texas Tank Service, indicated the following: corrosion on the interior of the Alameda EST; a hole in the side wall plate of the Morgan EST; and a significant amount of corrosion on the interior, exterior, roof ventilation, and holes in the roof plates of the Flour Bluff EST;
- f. Failed to maintain water works operation and maintenance records, and make them readily available for review by Commission personnel upon request. Specifically, records of the amount of chemicals used each day and records of backflow prevention devices completed by the backflow prevention assembly testers, were not properly completed and available for review;
- g. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations. Not all the disinfectant residual measurements were reported on the Surface Water Monthly Operating Reports ("SWMOR"); and

- h. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected on September 5, 2015, at 6101 Ocean Drive and 7526 McArdle Road measured a chloramine residual of 0.00 mg/L.
3. During an investigation conducted on May 3, 2016 through June 3, 2016, an investigator documented that Respondent:
 - a. Failed to meet the conditions of an issued exception. Specifically, the Commission granted Respondent an exception to the monthly dead-end main ("DEM") flushing, as required by 30 TEX. ADMIN. CODE § 290.46(I), contingent upon Respondent's compliance with the conditions outlined in the revised exception granted November 1, 2010. The revised exception establishes DEM flushing guidelines based on a total residual chlorine ("TRC") minimum of 0.5 mg/L, requiring the following actions for initially and subsequently low TRC within 24 hours, monitor impacted DEM for TRC, monochloramine ("mono") and free available ammonia ("FAA"), place impacted DEM in the twice a month flushing groups, and within five days monitor impacted DEM for changes in TRC, mono, FAA, and flush DEM if TRC is below 1.5 mg/L. However, based on a review of the flushing records from March 2016 through June 2016, this protocol was not followed for impacted DEM Nos. 1558 and 1179;
 - b. Failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists. Specifically, while waiting for the final monitoring results for a new line installed on Claremore Street and without a backflow prevention assembly or an air gap installed, Respondent's contractor bypassed the existing line with a hose connected to the fire hydrant at the intersection of Ocean Drive and Claremore Street;
 - c. Failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, field samples collected at various locations within the distribution system contained chloramine residuals below the minimum of 0.5 mg/L on March 22, 2016, April 12, 2016, April 19, 2016, April 21, 2016, April 22, 2016, April 26, 2016, May 3, 2016, May 4, 2016, May 10, 2016, May 12, 2016, and May 13, 2016;
 - d. Failed to ensure nitrification is controlled. Specifically, Respondent's then-current nitrification action plan ("NAP") was not followed during the first month's criteria for a level 3 triggered action response and at least four additional occasions throughout the months of April and May 2016; and
 - e. Failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations. Specifically, the

SWMOR submitted for the reporting month of March 2016 indicated there were zero readings with a low residual and as such the percentage of readings with a low residual during this month was 0.0%, while data submitted by Respondent indicates there was one reading with a low residual and the percentage of readings with a low residual with 0.3%. The SWMOR submitted for the reporting month of April 2016 indicated there was one reading with a low residual and the percentage of readings with a low residual during this month was 0.4% while data submitted by Respondent indicates six readings with a low residual and the percentage of readings with a low residual was 2.2%.

4. During a record review conducted on September 8, 2015 through September 25, 2015, an investigator documented that Respondent:
 - a. Failed to comply with the acute MCL for microbial contaminants for the month of July 2015; and
 - b. Failed to comply with the non-acute MCL for microbial contaminants during the month of August 2015.
5. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Submitted photographs that demonstrated that all leaks had been repaired at pump no. 1 at the Staples Street Pump Station; pump no. 2 at the Holly Road Pump Station; and pump no. 1 at the Sand Dollar Pump Station as of October 6, 2015 (Conclusion of Law No. 4);
 - b. Began maintaining completed water works operation records and maintenance records, including: properly completing records of backflow prevention device reports and collected and began maintaining records for the amount of each chemical used each day at all sites on October 6, 2015 through October 22, 2015 (Conclusion of Law No. 7);
 - c. Began complying with applicable coliform monitoring requirements by returning to compliance with the acute and non-acute MCL for microbial contaminants as of January 22, 2016 (Conclusion of Law Nos. 13 and 14);
 - d. Tested and certified the backflow prevention assembly devices at the carwash in front of the Stripes Convenience Store (Ennis Joslin Street and McArdle Road) and the carwash at the Valero Corner Store (South Padres Island Drive and Ennis Joslin Street) by a recognized backflow prevention assembly tester as of March 8, 2016 (Conclusion of Law No. 3);
 - e. Tested the Conbraco gauge (model 40-200TK5; Serial No. 258267) as of April 1, 2016 (Conclusion of Law No. 2);
 - f. Began maintaining a minimum disinfectant residual of 0.2 mg/L of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) pursuant to the NAP on August 15, 2016 (Conclusion of Law No. 5);

- g. Began maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment by refurbishing the interior of the Alameda EST, repairing the hole noted on the side wall plate of the Morgan EST, and refurbishing the interior, exterior, and roof ventilation, as well as repairing the holes in the roof plates of the Flour Bluff EST as of August 31, 2016 (Conclusion of Law No. 6);
- h. Began using the correct procedures when collecting samples for the measurement of the disinfectant residual within the distribution system as of November 2, 2016 (Conclusion of Law No. 8);
- i. Notified TCEQ that it would flush all dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46, as of August 1, 2016 (Conclusion of Law No. 9); and
- j. Required the contractor to disconnect the hose from the fire hydrant at the intersection of Ocean Drive and Claremore Street (Conclusion of Law No. 10).

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 use gauges in the testing of backflow prevention assemblies that have been tested for accuracy annually, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4)(B).
- 3. As evidenced by Finding of Fact No. 2.b., Respondent failed to ensure that all backflow prevention assemblies which are installed to provide protection against health hazards are tested on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
- 4. As evidenced by Finding of Fact No. 2.c., Respondent failed to maintain pumps, motors, valves, and other mechanical devices in good working condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4) and (m)(6).
- 5. As evidenced by Findings of Fact Nos. 2.d., 2.h., and 3.c., Respondent failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine or 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and (B) and 290.110(b)(4).
- 6. As evidenced by Finding of Fact No. 2.e., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).

7. As evidenced by Finding of Fact No. 2.f., Respondent failed to maintain water works operation and maintenance records, and make them readily available for review by Commission personnel upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(I), and (f)(3)(B)(v).
8. As evidenced by Finding of Fact Nos. 2.g., Respondent failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, in violation of 30 TEX. ADMIN. CODE § 290.110(f)(1)(A).
9. As evidenced by Finding of Fact No. 3.a., Respondent failed to meet the conditions of an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(5).
10. As evidenced by Finding of Fact No. 3.b., Respondent failed to ensure that a backflow prevention assembly or an air gap is installed at all residences and establishments where an actual or potential contamination hazard exists, as identified in 30 TEX. ADMIN. CODE § 290.47(f), in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(A).
11. As evidenced by Finding of Fact No. 3.d., Respondent failed to ensure nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5).
12. As evidenced by Finding of Fact No. 3.e., Respondent failed to include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, in violation of 30 TEX. ADMIN. CODE § 290.110(f)(1)(A).
13. As evidenced by Finding of Fact No. 4.a., Respondent failed to comply with the acute MCL for microbial contaminants for the month of July 2015, in violation of TEX. HEALTH & SAFETY CODE § 341.031(a) and 30 TEX. ADMIN. CODE § 290.109(f)(1)(A).¹
14. As evidenced by Finding of Fact No. 4.b., Respondent failed to comply with the non-acute MCL for microbial contaminants during the month of August 2015, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.109(f)(2).
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of twelve thousand four hundred three dollars (\$12,403.00) 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). Pursuant to TEX. WATER CODE § 7.067, twelve thousand four hundred three dollars (\$12,403.00) of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment

¹ 30 TEX. ADMIN. CODE § 290.109(f)(1)(A) is now found at 30 TEX. ADMIN. CODE § 290.109(g)(1)(A) amended to be effective, March 30, 2017, 42 Tex. Reg. 1466.

A" - incorporated herein by reference). Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 16 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Corpus Christi, Docket No. 2015-1478-PWS-E" to:

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

2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 16. The amount of twelve thousand four hundred three dollars (\$12,403.00) of the assessed administrative penalty is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Order, include all samples collected at sites designated in the monitoring plan as microbiological and disinfectant residual monitoring sites in the compliance determination calculations, including but not limited to: using all disinfectant residual monitoring results from sites designated on the monitoring plan when preparing SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 12).
 - b. Within 15 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 30 days after the effective date of this Order:

- i. Take appropriate actions listed in the NAP by responding to criteria for a triggered action to ensure that the NAP is followed so that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 11);
 - ii. Flush all dead-end mains at monthly intervals, in accordance with 30 TEX. ADMIN. CODE § 290.46 (Conclusion of Law No. 9); and
 - iii. Comply with the Facility's operational guidance, conduct employee training, and ensure that the disinfectant residual concentration of at least 0.2 mg/L free chlorine or 0.5 mg/L chloramine (measured as total chlorine) is maintained throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110 (Conclusion of Law No. 5).
- d. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provisions Nos. 3.c.i. through 3.c.iii.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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

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

and:

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

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. 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.

11. 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.

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S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Margi Lizarde

For the Executive Director

April 6, 2018

Date

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

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

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

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

Margie C. Rose

Signature
Margie C. Rose

Name (Printed or typed)
Authorized representative of
City of Corpus Christi

January 15, 2018

Date
City Manager

Title

Attachment A
Docket Number: 2015-1478-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Corpus Christi
Payable Penalty Amount:	\$12,403
SEP Offset Amount:	\$12,403
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Nueces County: Nueces River Basin, Gulf Coast Aquifer

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. (“RC&D”)** for the *Household Hazardous Waste (“HHW”) Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as “Partner Entities”) to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the “Project”). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. The Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, TEXAS ADMINISTRATIVE CODE. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

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

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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