

City of Scottsville
RN101227619
Docket No. 2019-0314-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five year period for the same violations.

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

approximatley 1,263 feet south of the intersection of Farm-to-Market Road 1998 and Farm-to-Market Road 2199, on Farm-to-Market Road 2199, Scottsville, Harrison County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	2019-0677-PWS-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:	November 12, 2021
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Comments Received:	None
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Penalty Information

Total Penalty Assessed:	\$880.00
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Total Paid to General Revenue:	\$880.00
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Total Due to General Revenue:	\$0.00
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Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source:	No
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Statutory Limit Adjustment:	None
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Applicable Penalty Policy:	April 2014
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Investigation Information

Complaint Date(s):	July 20, 2018; September 14, 2018; November 28, 2018, December 10, 2018
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Complaint Information:

The TCEQ Tyler Regional Office received a complaint on July 20, 2018, which alleged a public water supply in Harrison County had brown water and low pressure; the TCEQ Tyler Region office received a complaint on September 14, 2018, regarding water service issues from a PWS in Harrison County; on November 28, 2018, the TCEQ Tyler Region Office received a complaint regarding drinking water quality; and preceding on December 10, 2018, the TCEQ Tyler Region Office received a complaint regarding drinking water quality.

City of Scottsville
RN101227619
Docket No. 2019-0314-PWS-E

Date(s) of Investigation: October 8, 2018 through October 19, 2018
Date(s) of NOV(s): See Compliance History – Related NOVs
Date(s) of NOE(s): October 19, 2018

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples [TEX. ADMIN. CODE §§ 290.117(c)(2)(C), (h), and (i)(1) and 290.122(c)(2)(A) and (f)].
3. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director [TEX. ADMIN. CODE § 290.117(c)(2)(B), (h), and (i)(1)].
4. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter [TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent timely submitted a DLQOR for the fourth quarter of 2018 to the Executive Director on January 10, 2019.

Technical Requirements:

1. Within 30 days:
 - a. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period;
 - b. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, and
 - c. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2014 through December 31, 2016 monitoring period and regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2016 and the fourth quarter of 2016.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1.a. and 1.c.
3. Within 225 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.b.

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Docket No. 2019-0314-PWS-E

Litigation Information

Date Petition(s) Filed: January 15, 2020
Date Green Card(s) Signed: January 18, 2020
Settlement Date: September 29, 2021

Contact Information

TCEQ Attorneys: Benjamin Warmes, Litigation, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation, (512) 239-2575
TCEQ Enforcement Coordinator: Julianne Dewar, Enforcement, (512) 239-1001
TCEQ Regional Contact: Ross Morgan, Tyler Regional Office, (903) 535-5100
Respondent Contact: John Pritchard, Alderman, City of Scottsville, P.O. Box 453, Scottsville, Texas
75688
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	22-Oct-2018	Screening	18-Jan-2019	EPA Due	31-Dec-2018
	PCW	5-Mar-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Scottsville				
Reg. Ent. Ref. No.	RN101227619				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	57272	No. of Violations	4
Docket No.	2019-0314-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Julianne Dewar
		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	\$600
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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	50.0% Adjustment	Subtotals 2, 3, & 7	\$300
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Notes: Enhancement for four NOVs with the same/similar violations, five NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$20
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$764	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$810	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$880
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$880
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$880
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$880
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Screening Date 18-Jan-2019

Docket No. 2019-0314-PWS-E

PCW

Respondent City of Scottsville

Case ID No. 57272

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101227619

Media Public Water Supply

Enf. Coordinator Julianne Dewar

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>)	4	20%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 50%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, five NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 50%

Screening Date 18-Jan-2019

Docket No. 2019-0314-PWS-E

PCW

Respondent City of Scottsville

Policy Revision 4 (April 2014)

Case ID No. 57272

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101227619

Media Public Water Supply

Enf. Coordinator Julianne Dewar

Violation Number 1

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

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2017 through the second quarter of 2018.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%
100% of the rule requirements were not met.					
Adjustment					\$950

\$50

Violation Events

Number of Violation Events 4 465 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Four single events are recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$20

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

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent returned to compliance on January 10, 2019.

Violation Subtotal \$180

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$280

This violation Final Assessed Penalty (adjusted for limits) \$280

Economic Benefit Worksheet

Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
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	Costs Saved	EB Amount
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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 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$90	10-Jul-2018	8-Oct-2018	0.25	\$1	\$90	\$91
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x four reports plus \$2 of interest that began accruing from the due date of the earliest missed report), calculated from the date the report was due for the second quarter of 2018 to the record review date.

Approx. Cost of Compliance

\$90

TOTAL

\$91

Screening Date 18-Jan-2019
Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
Media Public Water Supply
Enf. Coordinator Julianne Dewar

Docket No. 2019-0314-PWS-E

PCW

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

Violation Number 2

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

Violation Description

Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2014 through December 31, 2016 monitoring period and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2014 through December 31, 2016 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to collect lead and copper tap samples and provide public notification could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1 830 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$352

Violation Final Penalty Total \$225

This violation Final Assessed Penalty (adjusted for limits) \$225

Economic Benefit Worksheet

Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	8-Oct-2018	27-Sep-2019	0.97	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	10-Jan-2017	27-Sep-2019	2.71	\$3	n/a	\$3

Notes for DELAYED costs

The Record Keeping System cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

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

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$300	1-Jan-2014	31-Dec-2016	3.00	\$47	\$300	\$347
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x 10 required samples x one monitoring period), calculated for the monitoring period in which sampling was required.

Approx. Cost of Compliance \$370

TOTAL \$352

Screening Date 18-Jan-2019
Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
Media Public Water Supply
Enf. Coordinator Julianne Dewar

Docket No. 2019-0314-PWS-E

PCW

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="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<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 Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
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	Costs Saved	EB Amount
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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 Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$300	1-Jan-2017	31-Dec-2017	1.00	\$15	\$300	\$315
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x 10 required samples x one monitoring period), calculated for the monitoring period in which sampling was required.

Approx. Cost of Compliance

\$300

TOTAL

\$315

Screening Date 18-Jan-2019
Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
Media Public Water Supply
Enf. Coordinator Julianne Dewar

Docket No. 2019-0314-PWS-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2016 and the fourth quarter of 2016.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 677 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each notification.

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent City of Scottsville
Case ID No. 57272
Reg. Ent. Reference No. RN101227619
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	Costs Saved	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)	\$50	12-Mar-2017	27-Sep-2019	2.55	\$6	n/a	\$6

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x two notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the first public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$6

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 CN600667943, RN101227619, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN600667943, City of Scottsville **Classification:** NOT APPLICABLE **Rating:** N/A
Regulated Entity: RN101227619, CITY OF SCOTTSMVILLE **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: APPROXIMATELY 1,263 FEET SOUTH OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1998 AND FARM-TO-MARKET ROAD 2199 ON FARM-TO-MARKET ROAD 2199, SCOTTSMVILLE, HARRISON COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1020006

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: March 05, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 05, 2014 to March 05, 2019

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

Name: Julianne Dewar

Phone: (512) 239-1001

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:

- 1 Effective Date: 01/31/2017 ADMINORDER 2016-1312-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(B)
5A THSC Chapter 341, SubChapter A 341.033(a)
Description: Respondent failed to operate the Facility under the direct supervision of a water works operator who holds a minimum of a Class "C" or higher license

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- 1 Date: 03/27/2018 (1523636)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2017 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the fourth quarter of 2017 within the
required timeline.
- 2 Date: 06/25/2018 (1523636)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2018 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the first quarter of 2018 within the required
timeline.
- 3 Date: 06/28/2018 (1497687)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
Description: Failure to notify the executive director prior to making any significant change or
addition to the system's production, treatment, storage, pressure maintenance, or
distribution facilities.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118
Description: Failure to meet the requirements for Secondary Constituent Levels in regard to
Iron and Manganese.
- 4 Date: 08/24/2018 (1523636)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 3Q2016 Posting and Reporting Violation - Failure to submit a
signed certificate of delivery to the Executive Director certifying that public notice
was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period
that public notice was required for a disinfectant monitoring and reporting
violation during the third quarter of 2016.
- 5 Date: 09/12/2018 (1511684)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
Description: Failure to maintain the minimum required pressure of 35 pounds per square inch
(psi) at all points in the distribution system.
- 6 Date: 10/02/2018 (1523636)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the second quarter of 2018 within the
required timeline.
- 7 Date: 10/19/2018 (1519274)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)
Description: Failure to meet the requirements for Secondary Constituent Levels regarding
color.
- 8 Date: 12/07/2018 (1530880)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
Description: Failure to maintain the minimum required pressure of 35 pounds per square inch
(psi) at all points in the distribution system.

9 Date: 01/18/2019 (1537708)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
 Description: Failure to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
 Description: Failure to conduct an interior pressure tank inspection in the previous 5 years.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure to maintain water system records as required by Title 30 TAC subchapter 290.46(f).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.116(c)(3)(C)
 Description: Failure to have adequately record chlorine residual.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)
 Description: Failure to have a monitoring plan.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
 Description: Failure to have electrical wiring in conduit.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)
 Description: Failure to properly store full cylinders of chlorine.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
 Description: Failure to meet service pump capacity of two or more pumps that have a total capacity of 2.0 gallons per minute per connection.

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 SCOTTSVILLE;
RN101227619

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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-0314-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 Scottsville ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, presented this 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 approximately 1,263 feet south of the intersection of Farm-to-Market Road 1998 and Farm-to-Market Road 2199 on Farm-to-Market Road 2199 in Scottsville, Harrison County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 480 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 a record review conducted on October 8, 2018 through October 19, 2018, an investigator documented that Respondent:
 - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2017 through the second quarter of 2018.
 - b. Failed to collect lead and copper tap samples at the required ten sample

- sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2014 through December 31, 2016 monitoring period and did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2014 through December 31, 2016 monitoring period.
- c. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period.
 - d. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2016 and the fourth quarter of 2016.
3. The Executive Director recognizes that Respondent timely submitted a DLQOR for the fourth quarter of 2018 to the Executive Director on January 10, 2019.

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 submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b, Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples, in violation of 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C), (h), and (i)(1) and 290.122(c)(2)(A) and (f).
4. As evidenced by Finding of Fact No. 2.c, Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B), (h), and (i)(1).
5. As evidenced by Finding of Fact No. 2.d, Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
6. 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.

7. An administrative penalty in the amount of eight hundred eighty dollars (\$880.00) 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). Respondent paid eight hundred eighty dollars (\$880.00) of the penalty.

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. 7 for violations of state statutes and rules of the TCEQ. Payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected and analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE 290.117;
 - ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period; and
 - iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2014 through December 31, 2016 monitoring period and regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2016 and the fourth quarter of 2016, in accordance with 30 TEX. ADMIN. CODE § 290.122.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d., to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.iii.
 - c. Within 225 days after the effective date of this Order, submit written certification, as described in Ordering Provision 2.d., to demonstrate compliance with Ordering Provision No. 2.a.ii.

- d. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon 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.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.

7. 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.
8. 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chavallo

1/12/22

For the Executive Director


Date

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

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

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

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



Signature

9/29/2021

Date

John C. Pritchard

Name (Printed or typed)
Authorized representative of
City of Scottsville

Secretary- Treasurer

Title

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