

City of Beeville
RN101419133
Docket No. 2019-1179-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:

400 North Washington St, Beeville, Bee County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$235.00 (89961568, Agency: Referred)
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:	June 10, 2022
---	---------------

Comments Received:	None
---------------------------	------

Penalty Information

Total Penalty Assessed:	\$5,200
--------------------------------	---------

Total Paid to General Revenue:	\$0
---------------------------------------	-----

Total Due to General Revenue:	\$5,200
--------------------------------------	---------

Compliance History Classifications:

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

Major Source:	Yes
----------------------	-----

Statutory Limit Adjustment:	None
------------------------------------	------

Applicable Penalty Policy:	April 2014
-----------------------------------	------------

Investigation Information

Complaint Date(s):	July 1, 2019; July 10, 2019; July 12, 2019; July 15, 2019; October 6, 2019
---------------------------	--

Complaint Information:

Complainant alleged city PWS conducted repairs and drained lines without notification to residents. Complainant also alleged that after washing hands sores began to develop on hands and body, when showering experiences a burning sensation, and after washing clothes they smell of chemicals.

Complainant alleged that drinking water provided by city PWS has a stagnant smell and they are concerned that chlorine level may be low.

Anonymous complaint of PWS system employees falsifying test samples by obtaining samples from taps inside city offices and claiming tests sites were at various locations throughout the city.

City of Beeville
RN101419133
Docket No. 2019-1179-PWS-E

Complainant contacted TCEQ Enforcement Division who forwarded the complaint information to the Region 14 office via email. Complainant alleged that city PWS service did not properly communicate a BWN to customers.

Complainant alleged that city is flushing fire hydrant which is making a mess on the streets and causing a mosquito infestation.

Date(s) of Investigation: July 2, 2019 through July 14, 2019;
August 5, 2019 through August 16, 2019

Date(s) of NOV(s): See Compliance History – 5 related NOVs.

Date(s) of NOE(s): August 16, 2019 and September 10, 2019

Violation Information

1. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("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)(B) and 290.110(b)(4)].
2. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [TEX. ADMIN. CODE § 290.110(c)(4)(C)].
3. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
4. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(B)(v)].
5. Failed to properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form approved by the Executive Director [30 TEX. ADMIN. CODE § 290.44(h)(4)(C)].
6. Failed to plug an abandoned public water supply well with cement or submit test results proving that the well is in a non-deteriorated condition [16 TEX. ADMIN. CODE ch. 76, 30 TEX. ADMIN. CODE § 290.46(u)].
7. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
8. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCLs for HAA5 and TTHM [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
9. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

City of Beeville
RN101419133
Docket No. 2019-1179-PWS-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

1. On July 14, 2019, began maintaining a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times (Violation No. 1).
2. On October 7, 2019, provided consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2017 through December 31, 2017 and July 1, 2018 through December 31, 2018 monitoring periods. Also, submitted to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements (Violation No. 7).
3. On October 31, 2019:
 - a. Provided public notification and submitted a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant levels ("MCLs") for haloacetic acids ("HAA5") and total trihalomethanes ("TTHM") during the third quarter of 2018, the failure to comply with the MCL for TTHM during the first and second quarters of 2018, and the failure to conduct water quality parameter sampling at each of the Facility's entry points for the July 1, 2017 through December 31, 2017 monitoring period (Violation No. 8).
 - b. Implemented procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director (Violation No. 9).
4. On January 24, 2020, the Facility's five abandoned wells were capped and tested for non-deteriorated condition (Violation No. 6).

Technical Requirements:

1. Within 30 days:
 - a. Develop and implement a written protocol that is to be followed to ensure an adequate disinfectant residual is maintained throughout the distribution system at all times (Violation No. 1);
 - b. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once per day (Violation No. 2);
 - c. Maintain water works operation and maintenance records and make them available for review to the Executive Director, including the records of the dates that dead-end mains were flushed and backflow prevention device programs (Violation No. 4); and
 - d. Properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form that does not vary from the format specified in Commission Form 20700 unless that form has been approved by the Executive Director (Violation No. 5).
2. Within 45 days, submit written certification (Technical Requirement No. 5 to demonstrate compliance with Technical Requirement Nos. 1.a through 1.d).
3. Within 60 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the sludge rake on Clarifier No. 2, a leak on the 250,000-gallon ground storage tank at the FM 351 Pump Station, and a leak and broken ladder on the 500,000-gallon storage tank at the Chase Pump Station (Violation No. 3).
4. Within 75 days, submit written certification (Technical Requirement No. 5 to demonstrate compliance with Technical Requirement No. 3).

City of Beeville
RN101419133
Docket No. 2019-1179-PWS-E

5. The certifications required by these Technical Requirements shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent.

Litigation Information

Date Petition(s) Filed: March 5, 2021; August 27, 2021
Date Green Card(s) Signed: March 8, 2021; August 30, 2021
Date Answer Filed: N/A

Contact Information

TCEQ Attorneys: Benjamin Warms, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239 2575
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, (210) 403-4077
TCEQ Regional Contact: Melanie Edwards, Corpus Christi Regional Office, (361) 881-6900
Respondent Contact: Francisco Dominguez, Mayor, City of Beeville, 400 North Washington Street,
Beeville, Texas 78102
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	6-Sep-2019			
	PCW	2-Oct-2019	Screening	2-Oct-2019	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	City of Beeville			
Reg. Ent. Ref. No.	RN101419133			
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.	58149	No. of Violations	6
Docket No.	2019-1179-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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** **\$1,790**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Adjustment **Subtotals 2, 3, & 7** **\$1,790**

Notes: Enhancement for four NOV's with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and two agreed orders without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$90**

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

Total EB Amounts	\$1,299	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$9,390	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,490**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$3,490**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,490**

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 **\$3,490**

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 112%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes Enhancement for four NOVs with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 112%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(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 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on July 11, 2019, total chlorine residual concentrations of 0.12 mg/L and 0.11 mg/L were collected from 1606 Fenner Street and 1006 Jones Street, respectively.

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

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are 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"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply Reduction

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

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

Violation Subtotal

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	2-Jul-2019	1-Jun-2020	0.92	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system at all times, calculated from the date of the investigation 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	\$100	11-Jul-2019	14-Jul-2019	0.01	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount for additional maintenance and oversight to ensure an adequate disinfectant residual is maintained throughout the distribution system, calculated for the day the low disinfectant residual was documented to the date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$105

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.110(c)(4)(C)
Violation Description	Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, approximately 60% of the compliance samples in June 2019 were collected from the McConnell elevated storage tank which is not representative of the distribution system.
Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to monitor the disinfectant residual at representative locations could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.				
	Adjustment				\$850

Violation Events

Number of Violation Events	1	92	Number of violation days	
	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$150
	semiannual			
	annual			
	single event			
	One quarterly event is recommended, calculated from the date of the investigation, July 2, 2019, to the date of screening, October 2, 2019.			

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	\$5	Violation Final Penalty Total	\$300
This violation Final Assessed Penalty (adjusted for limits)		\$300	

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	2-Jul-2019	1-Jun-2020	0.92	\$5	n/a	\$5
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 conduct daily monitoring of the disinfectant residual which is being rotated throughout representative locations within the distribution system, calculated from the date of the investigation 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

\$100

TOTAL

\$5

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	3
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the sludge rake on Clarifier No. 2 was broken, the 250,000-gallon ground storage tank at the FM 351 Pump Station had a leak, and the 500,000-gallon storage tank at the Chase Pump Station had a leak and broken ladder.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to ensure the good working condition and general appearance of the Facility and its equipment could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				

Adjustment \$850

\$150

Violation Events

Number of Violation Events: 3 92 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$450

Three quarterly events are recommended (one per plant), calculated from the date of the investigation, July 2, 2019, to the date of screening, October 2, 2019.

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 \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$672

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,500	14-Jun-2018	1-Aug-2020	2.13	\$32	\$640	\$672
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to repair the broken sludge rake (\$1,000), the leak on the Facility's two storage tanks (\$1,500 x two tanks) and the broken ladder on the ground storage tank (\$500), calculated from the date of the investigation initially documenting the violation 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

\$4,500

TOTAL

\$672

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(B)(v)			
Violation Description	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the dates that dead-end mains were flushed were incomplete and backflow prevention device programs were not available.			
Base Penalty				\$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 7.0%

>> Programmatic Matrix

		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Less than 30% of the rule requirements were not met.				
					Adjustment \$930

Violation Events

Number of Violation Events	1	92	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$70

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 \$70

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

Estimated EB Amount \$4 **Violation Final Penalty Total** \$140

This violation Final Assessed Penalty (adjusted for limits) \$140

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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	\$45	14-Jun-2018	1-Jun-2020	1.97	\$4	n/a	\$4
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by agency personnel, calculated from the date of the investigation initially documenting the violation 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

\$45

TOTAL

\$4

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="7.0%"/>
Matrix Notes	<input type="text" value="Between 30% to 70% of the rule requirements were not met."/>				

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"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" 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 Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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	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	\$45	27-Apr-2018	1-Jun-2020	2.10	\$5	n/a	\$5
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 ensure that the properly completed and approved form is being used for annual backflow prevention tests, calculated from the date of the investigation initially documenting the violation 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

\$45

TOTAL

\$5

Screening Date	2-Oct-2019	Docket No.	2019-1179-PWS-E	PCW	
Respondent	City of Beeville			Policy Revision 4 (April 2014)	
Case ID No.	58149			PCW Revision March 26, 2014	
Reg. Ent. Reference No.	RN101419133				
Media	Public Water Supply				
Enf. Coordinator	Yuliya Dunaway				
Violation Number	6				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(u)				
Violation Description	Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's five abandoned wells located throughout the water system have not been tested or plugged.				
		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 plug or test the abandoned wells could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.				
		Adjustment	\$700		
			\$300		
Violation Events					
	Number of Violation Events	3	92	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
			Violation Base Penalty	\$900	
	Three monthly events are recommended, calculated from the date of the investigation, July 2, 2019, to the date of screening, October 2, 2019.				
Good Faith Efforts to Comply					
		10.0%	Reduction	\$90	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer			
	Extraordinary				
	Ordinary		x		
	N/A				
	Notes	The Respondent achieved compliance on January 24, 2020.			
			Violation Subtotal	\$810	
Economic Benefit (EB) for this violation					
		Estimated EB Amount	\$508	Violation Final Penalty Total	\$1,710
			This violation Final Assessed Penalty (adjusted for limits) \$1,710		

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,500	14-Jun-2018	24-Jan-2020	1.61	\$24	\$484	\$508
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 plug or test the Facility's abandoned wells (\$1,500 per well x three wells), calculated from the date of the investigation initially documenting the violation to the 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

\$4,500

TOTAL

\$508



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	19-Aug-2019	Screening	21-Aug-2019	EPA Due	31-Dec-2019
	PCW	22-Aug-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Beeville	
Reg. Ent. Ref. No.	RN101419133	
Facility/Site Region	14-Corpus Christi	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	58149	No. of Violations	3
Docket No.	2019-1179-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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** **\$900**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **100.0%** Adjustment **Subtotals 2, 3, & 7** **\$900**

Notes: Enhancement for four NOV's with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and two agreed orders without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$90**

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

Total EB Amounts \$19
 Estimated Cost of Compliance \$360
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,710**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,710**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,710**

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 **\$1,710**

Screening Date	21-Aug-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 112%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes Enhancement for four NOVs with the same/similar violations, one NOV with dissimilar violations, two agreed orders containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 112%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 100%

Screening Date	21-Aug-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2017 through December 31, 2017 and July 1, 2018 through December 31, 2018 monitoring periods.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>

Matrix Notes

100% of the rule requirements were not met.

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"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Two single events are recommended, one for each notification.

Good Faith Efforts to Comply Reduction

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

Notes

The Respondent achieved compliance on October 7, 2019.

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 Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$160	31-Mar-2018	7-Oct-2019	1.52	\$12	n/a	\$12

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notifications for the July 1, 2017 through December 31, 2017 and July 1, 2018 through December 31, 2018 monitoring periods to persons served at the locations which were sampled and to the TCEQ $((\$0.50 \times 60 \text{ sampled locations} + \$50) + (\$0.50 \times 60 \text{ sampled locations} + \$50))$, calculated from the date the earliest consumer notification was due to the 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

\$160

TOTAL

\$12

Screening Date	21-Aug-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)
Violation Description	Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant levels ("MCLs") for haloacetic acids ("HAA5") and total trihalomethanes ("TTHM") during the third quarter of 2018, and regarding the failure to comply with the MCL for TTHM during the first and second quarters of 2018.
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 15.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$850

Violation Events

Number of Violation Events	3	294	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			Violation Base Penalty \$450
	Three single events are recommended, one for each notification.		

Good Faith Efforts to Comply **10.0%** Reduction \$45

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on October 31, 2019.	
		Violation Subtotal \$405

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

Estimated EB Amount	\$6	Violation Final Penalty Total	\$855
		This violation Final Assessed Penalty (adjusted for limits)	\$855

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	5-Aug-2019	31-Oct-2019	0.24	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$75	10-Jul-2018	31-Oct-2019	1.31	\$5	n/a	\$5

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the date of compliance.

The Other (as needed) delayed cost includes the estimated amount to ensure that all delinquent public notifications (\$25 per notification x three missed notifications) are 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 date the earliest public notification was due to the 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

\$175

TOTAL

\$6

Screening Date	21-Aug-2019	Docket No.	2019-1179-PWS-E	PCW
Respondent	City of Beeville			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58149			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101419133			
Media	Public Water Supply			
Enf. Coordinator	Yuliya Dunaway			

Violation Number	3
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, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2017 through December 31, 2017 monitoring period.
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 15.0%
Matrix Notes	100% of the rule requirements were not met.				
	Adjustment				\$850

Adjustment \$850 \$150

Violation Events

Number of Violation Events	1	597	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 **10.0%** Reduction \$15

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on October 31, 2019.	
	Violation Subtotal \$135	

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

Estimated EB Amount	\$1	Violation Final Penalty Total	\$285
This violation Final Assessed Penalty (adjusted for limits)		\$285	

Economic Benefit Worksheet

Respondent City of Beeville
Case ID No. 58149
Reg. Ent. Reference No. RN101419133
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$25	11-Jan-2019	31-Oct-2019	0.80	\$1	n/a	\$1

Notes for DELAYED costs

The Training/Sampling delayed cost for implementing procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 2.

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 date the public notification was due to the 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 \$25

TOTAL \$1

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600740070, RN101419133, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN600740070, City of Beeville **Classification:** SATISFACTORY **Rating:** 10.09
Regulated Entity: RN101419133, CITY OF BEEVILLE **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 400 NORTH WASHINGTON STREET, BEEVILLE, BEE COUNTY TEXAS
TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0130001

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

Date Compliance History Report Prepared: August 20, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 20, 2014 to August 20, 2019

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

Name: James Knittel

Phone: (512) 239-2518

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: 12/19/2014 ADMINORDER 2014-0221-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

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

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

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

Description: Failed to maintain a chloramine residual of 0.5 mg/L (measured as total chlorine) in the water within the distribution system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(d)

Description: Failed to issue each public notice that conforms to the general requirements.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)(B)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: Failed by the owner or operator of a community water system to furnish a copy of the notice to the radio and television stations serving the area served by the public water system.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.122(f)

Description: Failed to submit to the executive director a copy of any public notice required under this section within ten days of its distribution as proof of public notification. The copies must be mailed to the Water Supply Division, MC 155, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. Each proof of public notification must be accompanied with a signed Certificate of Delivery.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NOV/2012 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 11/2012.

Classification: Moderate

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

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

Description: TTHM MCL 3Q2013 - The system violated the maximum contaminant level for trihalomethanes during the 3rd

quarter of 2013 with a RAA of 0.088 mg/L.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: JAN/2013 SWTR Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for an acute surface water treatment technique violation during the month of 01/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: JUL/2013 SWTR Non-Acute TT PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for a non-acute surface water treatment technique violation during the month of 07/2013.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Non-acute TT Violation 11/2013 - 4 days with combined filter effluent turbidity readings above 1.0 NTU at TP14697.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Non-acute TT Violation 11/2013 - 25.6% of combined filter effluent turbidity readings for the month were above 0.3 NTU at facility name TP14697.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Non-acute TT Violation 12/2013 - 5 days with combined filter effluent turbidity readings above 1.0 NTU at TP14697.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Non-acute TT Violation 12/2013 - 30.6% of combined filter effluent turbidity readings for the month were above 0.3 NTU at TP14697.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: SWTR Acute TT Violation 12/2013 - 3 days with combined filter effluent turbidity readings above 5.0 NTU at TP14697.

2 Effective Date: 08/17/2015 ADMINORDER 2015-0385-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B)

Description: Failed to operate the Facility with at least two operators where one of the required operators holds a Class "B" or higher surface water license and the other required operator holds a Class "C" or higher surface water license. Specifically, it was documented that an unlicensed individual was performing process and control duties.

3 Effective Date: 05/30/2017 ADMINORDER 2016-0068-MLM-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)

Description: Failed to establish a restricted zone of 200 feet radius from the raw water intake works prohibiting all recreational activities and trespassing, designated with signs recounting these restrictions. Specifically, there were no restricted zone markers or preventative measures surrounding the raw water intake structure and a boat launching ramp was adjacent to the raw water intake.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(C)

Description: Failed to provide all chemical bulk storage facilities and day tanks with a device that indicates the amount of chemical remaining in the facility or tank. Specifically, the Facility had no way to monitor the liquid level on the sodium hypochlorite day tank.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the following chemicals had no secondary containment: alum (bulk and day storage), polymer (day tank), and liquid ammonium sulfate ("LAS") (day tank). Additionally, the sodium hypochlorite (bulk tank), LAS (bulk tank) and fluoride tank

did not have sufficient secondary containment, and the structure surrounding the caustic soda was deteriorated.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)

Description: Failed to identify the influent, effluent, waste backwash, and chemical feed lines by the use of labels or various colors of paint. Specifically, the chemical feed lines from the day tanks to the injection sites of the LAS, polymer, and alum were comprised of clear, unlabeled plastic tubing.

Classification: Minor

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

Description: Failed to design filters to ensure adequate cleaning during the backwash cycle. Specifically, filter media was in the holding basin where spent backwash water is discharged to, indicating that the Facility may not be properly backwashing due to the amount of media lost during the process.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupation Safety and Health Administration standards and is readily accessible outside the chlorination room. Specifically, although not currently being used for disinfection, a full chlorine cylinder was at the Cleveland pump station and neither a SCBA nor a supplied air respirator was present.

Classification: Moderate

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

Description: Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the most recent version of the plant operations manual was created in 1986.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failed to maintain the Facility's storage tanks in strict accordance with current American Water Works Association standards with a discharge opening cover that closes automatically and fits tightly with no gap over 1/16 inch. Specifically, the discharge opening cover on the Cook pump station's 0.25 million gallon storage tank did not close to less than 1/16 inch.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)

Description: Failed to provide all dead-end mains with acceptable flush valves and discharge piping. Specifically, several dead-end mains were not equipped with flush valves, including lines on Taft Street, East Kennedy Street, Avenue E, and West Spring Street.

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the clarifiers were not being maintained: cracks and corrosion were along the walls; the filters were not being maintained: the filter backwash troughs were not level, small leaks were observed coming from the bracing bolts that attach a trough in filter no. 4 to the filter wall, and walls were discolored and deteriorating;

Classification: Minor

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

Description: Failed to inspect the Facility's twelve ground storage tanks ("GSTs") and four elevated storage tanks ("ESTs") annually.

Classification: Minor

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

Description: Failed to calibrate on-line turbidimeters with primary standards at least once every 90 days. Specifically, the meters on filters one and two were not calibrated from December 10, 2014 to July 16, 2015 (218 days) and the meters on filters three and four were not calibrated from December 10, 2014 to April 28, 2015 (139 days).

Classification: Moderate

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

Description: Failed to operate the production, treatment, and distribution facilities at the public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Executive Director. Specifically, two unlicensed individuals were performing process control duties, such as: collecting and processing samples for pH, alkalinity, turbidity, free and total chlorine, and determining the sludge concentration within the clarifiers.

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(I)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the following records were not being maintained: the amount

of polymer used each day and calibration for the online disinfectant residual analyzer.

Classification: Minor

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

Description: Failed to post a legible sign at the Facility's production, treatment, and storage facilities that contains the name of the Facility and emergency telephone numbers where a responsible official can be contacted. Specifically, no ownership sign was present at the Veteran's pump station.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failed to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the service pump at the Mussett Street pump station was leaking.

Classification: Minor

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

Description: Failed to calibrate benchtop pH meters according to manufacturers specifications at least once each day. Specifically, there were 23 days from January 2015 to July 2015 that the pH meters were not calibrated.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter A 290.46(z)

Description: Failed to create a nitrification action plan ("NAP") for systems distributing chloraminated water.

Classification: Minor

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

Description: Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, operators were using the results of grab samples for completion of the SWMORs, however, the Facility is required to continuously monitor and record the disinfectant residual of the water at each entry point.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.119(b)(7)

Description: Failed to use an acceptable analytical method for disinfectant analyses.

Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(a)(1)

Description: The Respondent caused, suffered, allowed, or permitted the unauthorized disposal of dried water treatment sludge on the ground at the southeast corner of the water treatment plant property.

Classification: Moderate

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

Description: Failed to inspect the Facility's pressure tank annually.

4 Effective Date: 07/09/2019 ADMINORDER 2018-0199-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

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

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

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

Description: Failed to operate the disinfection equipment to maintain a minimum chloramine residual of 0.5 milligrams per liter ("mg/L") (measured as total chlorine) throughout the distribution system at all times. Specifically, on July 31, 2017, the investigator documented the following total chlorine residuals in the distribution system: 0.02 mg/L and 0.15 mg/L at a fire hydrant at the intersection of North Tyler Street and East Steiner.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)

Description: Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. Specifically, nitrite and nitrate were not monitored quarterly in the distribution system between April 7, 2016 and March 16, 2017.

Classification: Minor

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

30 TAC Chapter 290, SubChapter F 290.121(b)

30 TAC Chapter 290, SubChapter F 290.121(c)(3)

Description: Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, and failed to provide the Executive Director with any revisions to the plan upon request.

Classification: Minor

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

Description: Failed to properly verify analyzers used to determine the effectiveness of chloramination in 30 Tex. Admin. Code § 290.110(c)(5) every 90 days. Specifically, the analyzer used to monitor nitrite and nitrate was not being verified.

Classification: Moderate

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

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

Description: TTHM/HAA5 LRAA MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.100 mg/L and the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.087 mg/L at 102 E Roberts, Beeville, TX (DBP2-04).

Classification: Moderate

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

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

Description: TTHM/HAA5 LRAA MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum

contaminant level for trihalomethanes with a LRAA of 0.089 mg/L and the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.100 mg/L at 2401 Lexington, Beeville, TX (DBP2-03).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM/HAA5 LRAA MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L and the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.086 mg/L at 2745 Chase Road, Beeville, TX (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 1Q2018 - During the 1st quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.097 mg/L at 4000 Louise Dr, Beeville (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM/HAA5 LRAA MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L and the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.081 mg/L at 102 E Roberts, Beeville, TX (DBP2-04).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM/HAA5 LRAA MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.084 mg/L and the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.094 mg/L at 2401 Lexington, Beeville, TX (DBP2-03).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.082 mg/L at 2745 Chase Road, Beeville, TX (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2017 - During the 4th quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.087 mg/L at 4000 Louise DR, Beeville (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(n)

Description: LCR WQP MR 2nd 6M2017 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2017 monitoring period at entry point location Clareville St PS-CR 323/796 (EP001) and the distribution system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

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

Item 3	May 22, 2017	(1410266)
Item 4	February 01, 2018	(1446516)
Item 5	October 08, 2018	(1518940)

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

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

1	Date:	10/29/2018	(1590126)	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description:	TTHM DBP2 MCL PN 2Q2018 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 violation of the maximum contaminant level for trihalomethanes during the 2nd quarter of 2018.		

- 2 Date: 02/15/2019 (1590126)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: TTHM/HAA5 DBP2 MCL PN 3Q2018 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 violation of the maximum contaminant level for trihalomethanes/haloacetic acids during the 3rd quarter of 2018.
- 3 Date: 03/29/2019 (1590126)
 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: LCR WQP PN 2nd 6M2017 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 water quality parameter monitoring and reporting violation for the monitoring period from 07/01/2017 to 12/31/2017 at the entry point and/or the distribution system.
- 4 Date: 06/18/2019 (1590126)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
 30 TAC Chapter 290, SubChapter F 290.117(j)
 Description: LCR LCN 2nd 6M2018 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2018 to 12/31/2018.
- 5 Date: 07/31/2019 (1590126)
 Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(b)(1)
 30 TAC Chapter 290, SubChapter F 290.109(g)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT F 141.63(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(a)
 Description: RTCR EMCL Violation 07/2019 - System received an E. coli maximum contaminant level violation.

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 BEEVILLE;
RN101419133

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2019-1179-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 Beeville ("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 400 North Washington Street in Beeville, Bee County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 4,908 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 2, 2019 through July 14, 2019, and a record review conducted on August 5, 2019 through August 16, 2019, an investigator documented that Respondent:
 - a. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on July 11, 2019, total chlorine residual concentrations of 0.12 mg/L and 0.11 mg/L were collected from 1606 Fenner Street and 1006 Jones Street, respectively.
 - b. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, approximately 60% of the compliance samples in June 2019 were collected from the McConnell elevated storage tank which is not representative of the distribution system.

- c. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the sludge rake on Clarifier No. 2 was broken, the 250,000-gallon ground storage tank at the FM 351 Pump Station had a leak, and the 500,000-gallon storage tank at the Chase Pump Station had a leak and broken ladder.
 - d. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the dates that dead-end mains were flushed were incomplete and backflow prevention device programs were not available.
 - e. Failed to properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form approved by the Executive Director. Specifically, the test report form lacked sections regarding public water system information and compliance with local plumbing ordinances and was not approved for use by the Executive Director.
 - f. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility's five abandoned wells located throughout the water system have not been tested or plugged.
 - g. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2017 through December 31, 2017 and July 1, 2018 through December 31, 2018 monitoring periods.
 - h. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant levels ("MCLs") for haloacetic acids ("HAA5") and total trihalomethanes ("TTHM") during the third quarter of 2018, and regarding the failure to comply with the MCL for TTHM during the first and second quarters of 2018.
 - i. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2017 through December 31, 2017 monitoring period.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. On July 14, 2019, began maintaining a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. (Finding of Fact No. 2.a.)
 - b. On October 7, 2019, provided consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2017 through December 31, 2017 and July 1, 2018 through December 31, 2018 monitoring periods. Also, submitted to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements. (Finding of Fact No. 2.g.)

- c. On October 31, 2019:
 - i. Provided public notification and submitted a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant levels ("MCLs") for haloacetic acids ("HAA5") and total trihalomethanes ("TTHM") during the third quarter of 2018, the failure to comply with the MCL for TTHM during the first and second quarters of 2018, and the failure to conduct water quality parameter sampling at each of the Facility's entry points for the July 1, 2017 through December 31, 2017 monitoring period. (Finding of Fact No. 2.h.)
 - ii. Implemented procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director. (Finding of Fact No. 2.i.)
- d. On January 24, 2020, the Facility's five abandoned wells were capped and tested for non-deteriorated condition. (Finding of Fact No. 2.f.)

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 Finding of Fact No. 2.a., Respondent failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("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)(B) and 290.110(b)(4).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(C).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(iv) and (f)(3)(B)(v).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4)(C).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCLs for HAA5 and TTHM, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
11. 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.
12. An administrative penalty in the amount of five thousand two hundred dollars (\$5,200.00) 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 five thousand two hundred dollars (\$5,200.00) 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. 12 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Develop and implement a written protocol that is to be followed to ensure an adequate disinfectant residual 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. 2)
 - ii. Begin monitoring the disinfectant residual at representative locations in the distribution system at least once per day, in accordance with 30 TEX. ADMIN. CODE § 290.110; (Conclusion of Law No. 3)
 - iii. Maintain water works operation and maintenance records and make them available for review to the Executive Director, including the records of the dates that dead-end mains were flushed and backflow prevention device programs, in accordance with 30 TEX. ADMIN. CODE § 290.46; and (Conclusion of Law No. 5)
 - iv. Properly complete a test report by the recognized backflow prevention assembly tester for each assembly tested and on a form that does not vary from the format specified in Commission Form 20700 unless that form has been approved by the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.44. (Conclusion of Law No. 6)

- b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv.
- c. Within 60 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the sludge rake on Clarifier No. 2, a leak on the 250,000-gallon ground storage tank at the FM 351 Pump Station, and a leak and broken ladder on the 500,000-gallon storage tank at the Chase Pump Station, in accordance with 30 TEX. ADMIN. CODE § 290.46. (Conclusion of Law No. 4)
- d. Within 75 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.e. to demonstrate compliance with Ordering Provision No. 2.c.
- 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:

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

and:

Section Manager, Public Drinking Water
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. Chanallop

7/11/22

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.

John Benson

Signature

4/13/22

Date

John Benson

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

City Manager

Title

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