

Executive Summary – Enforcement Matter – Case No. 59730
City of Levelland
RN101385839
Docket No. 2020-1108-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - PWS, WR

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Levelland PWS, 1709 Avenue H, Levelland, Hockley County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 30, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$10,986

Amount Deferred for Expedited Settlement: \$2,196

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$8,790

Name of SEP: Ventilation Improvements (Compliance)

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: PWS - Yes; WR - No

Statutory Limit Adjustment: \$17

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 18, 2020 through July 2, 2020

Date(s) of NOE(s): August 21, 2020

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Violation Information

1. Failed to meet the conditions for an issued exception. Specifically, in a letter dated June 25, 2018, the Facility was granted an exception for a new metal roof system for the one million-gallon ground storage tank ("GST") at the Hickory Street pump station, and did not follow the conditions by failing to submit plans and specifications for review and approval of construction [30 TEX. ADMIN. CODE § 290.39(l)(5)].
2. Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one 150-pound cylinder of chlorine gas. Specifically, the Hickory Street chlorinator room only had one floor level vent and one high level fan which discharged to the roof, and the Lee Street chlorinator room had only one high level vent discharging through a duct with a fan at floor level [30 TEX. ADMIN. CODE § 290.42(e)(4)(C)].
3. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, Reduced Pressure Zone ("RPZ") assemblies located at O'Hana's, Republic of Texas, Three BMH, Turtle Hole, Covenant South Clinic, South Plains Rehabilitation Hospital, Head Duarte Funeral Home, and Krestridge Funeral Home had not been tested on an annual basis [30 TEX. ADMIN. CODE § 290.44(h)(4)].
4. Failed to inspect the Facility's water storage tanks annually. Specifically, the Facility's two elevated storage tanks ("ESTs") were required to be inspected on January 12, 2018 and were not inspected until March 20, 2018. The ESTs were required again to be inspected on March 20, 2019 and were not inspected until August 13, 2019. Additionally, the Facility's four GSTs were required to be inspected on January 12, 2018 and were not inspected until March 21, 2018. The GSTs were again required to be inspected on March 21, 2019 and were not inspected until May 16, 2019 [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
5. Failed to develop and maintain an accurate and 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 [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

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6. Failed to properly verify the accuracy of the analyzers used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days. Specifically, the accuracy of the analyzer used to monitor monochloramine and ammonia was not being verified [30 TEX. ADMIN. CODE § 290.46(s)(2)(D)].

7. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day and verification records for the colorimeter were not available for review [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(i)(II) and (f)(3)(B)(iv)].

8. Failed to review and update, as appropriate, the drought contingency plan at least every five years. Specifically, the plan had not been updated since 2003 [30 TEX. ADMIN. CODE § 288.20(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By July 16, 2020, verified the accuracy of the analyzers used to determine the effectiveness of chloramination, including monochloramine and ammonia;
- b. By July 17, 2020, updated the drought contingency plan;
- c. By July 31, 2020, submitted documentation that demonstrated that inspections of the Facility's four GSTs and two ESTs were conducted;
- d. By August 12, 2020, maintained water system operation and maintenance records, including records of the amount of each chemical used each day and verification records for the colorimeter; and
- e. By November 23, 2020, obtained approval for the significant changes to the water system, including the metal roof system for the one million-gallon GST at the Hickory Street pump station.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:

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Docket No. 2020-1108-MLM-E

- a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
 - i. Provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, including but not limited to the Hickory Street and Lee Street chlorinator rooms;
 - ii. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications; and
 - iii. Develop and maintain a chemical and microbiological monitoring plan.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steven Hall, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2569; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 173, (512) 239-3992

Respondent: The Honorable Barbara Pinner, Mayor, City of Levelland, P.O. Box 1010, Levelland, Texas 79336

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	24-Aug-2020		
	PCW	26-Aug-2020	Screening	24-Aug-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Levelland
Reg. Ent. Ref. No.	RN101385839
Facility/Site Region	2-Lubbock
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59730	No. of Violations	1
Docket No.	2020-1108-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Steven Hall
		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	\$1,800
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$180
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Notes: Reduction for High Performer Classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$450
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$6
 Estimated Cost of Compliance: \$492
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,170
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,170
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,170
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DEFERRAL	20.0% Reduction	Adjustment	-\$234
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$936
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Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385839

Media Public Water Supply

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101385839

Media Public Water Supply

Enf. Coordinator Steven Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to inspect the Facility's water storage tanks annually. Specifically, the Facility's two elevated storage tanks ("ESTs") were required to be inspected on January 12, 2018, and were not inspected until March 20, 2018. The ESTs were required again to be inspected on March 20, 2019 and were not inspected until August 13, 2019. Additionally, the Facility's four ground storage tanks ("GSTs") were required to be inspected on January 12, 2018 and were not inspected until March 21, 2018. The GSTs were again required to be inspected on March 21, 2019 and were not inspected until May 16, 2019.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%

Failure to inspect the ESTs and GSTs on an annual basis could cause non-detection of defects and could expose persons served by the Facility to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 12 Number of violation days 932

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,800

Twelve single events are recommended (two events per EST and two events per GST)

Good Faith Efforts to Comply

25.0%

Reduction \$450

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance on July 31, 2020.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$1,170

This violation Final Assessed Penalty (adjusted for limits) \$1,170

Economic Benefit Worksheet

Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Inspection/Reporting/Sampling	\$82	12-Jan-2018	20-Mar-2018	0.18	\$1	n/a	\$1
Inspection/Reporting/Sampling	\$82	20-Mar-2019	13-Aug-2019	0.40	\$2	n/a	\$2
Inspection/Reporting/Sampling	\$164	12-Jan-2018	21-Mar-2018	0.19	\$2	n/a	\$2
Inspection/Reporting/Sampling	\$164	21-Mar-2019	16-May-2019	0.15	\$1	n/a	\$1
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Each Inspection/Reporting/Sampling delayed cost includes the estimated amount to conduct annual water storage tank inspections (\$41 per tank inspection), calculated from the inspection due dates to the dates inspections were conducted.

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

\$492

TOTAL

\$6



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	24-Aug-2020		
	PCW	26-Aug-2020	Screening	24-Aug-2020
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Levelland
Reg. Ent. Ref. No.	RN101385839
Facility/Site Region	2-Lubbock
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	59730	No. of Violations	6
Docket No.	2020-1108-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Steven Hall
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,900
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$1,090
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Notes: Reduction for High Performer Classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$174
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$811
 Estimated Cost of Compliance: \$9,816
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,636
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,636
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,653
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DEFERRAL	20.0% Reduction Adjustment	-\$1,930
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,723
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Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101385839

Media Public Water Supply

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101385839

Media Public Water Supply

Enf. Coordinator Steven Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(l)(5)

Violation Description Failed to meet the conditions for an issued exception. Specifically, in a letter dated June 25, 2018, the Facility was granted an exception for a new metal roof system for the one million-gallon ground storage tank ("GST") at the Hickory Street pump station, and did not follow the conditions by failing to submit plans and specifications for review and approval of construction in accordance with 30 Tex. Admin. Code § 290.39(h)(1).

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (15.0%).

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 67

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$75

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary (marked with x), N/A.

Notes The Respondent achieved compliance on November 23, 2020.

Violation Subtotal \$675

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	18-Jun-2020	23-Nov-2020	0.43	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to meet the conditions of the issued exception by submitting plans and specifications and obtaining approval from the Executive Director prior to making any significant changes to the water system, including the metal roof system for the one million-gallon GST at the Hickory Street pump station, calculated from the date of the investigation 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 \$180

TOTAL \$4

Screening Date 24-Aug-2020
Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Enf. Coordinator Steven Hall

Docket No. 2020-1108-MLM-E

PCW

*Policy Revision 4 (April 2014)
 PCW Revision September 1, 2019*

Violation Number

Rule Cite(s)

Violation Description

Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one 150-pound cylinder of chlorine gas. Specifically, the Hickory Street chlorinator room only had one floor level vent and one high level fan which discharged to the roof, and the Lee Street chlorinator room had only one high level vent discharging through a duct with a fan at floor level.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Failure to provide adequate forced air ventilation could expose employees to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, June 18, 2020, to the date of screening, August 24, 2020.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="x"/>

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 Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$9,050	18-Jun-2020	21-Apr-2021	0.84	\$25	\$507	\$532
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the actual amount to provide forced air ventilation, which includes a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent in the Hickory Street and Lee Street chlorinator rooms, 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 \$9,050

TOTAL \$532

Screening Date 24-Aug-2020
Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Enf. Coordinator Steven Hall

Docket No. 2020-1108-MLM-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number

Rule Cite(s)

Violation Description

Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, Reduced Pressure Zone ("RPZ") assemblies located at O'Hana's, Republic of Texas, Three BMH, Turtle Hole, Covenant South Clinic, South Plains Rehabilitation Hospital, Head Duarte Funeral Home, and Krestridge Funeral Home had not been tested on an annual basis.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Failure to test backflow prevention assemblies on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three monthly events are recommended, calculated from the date of the investigation, June 18, 2020, to the date of screening, August 24, 2020.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
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	\$100	18-Jun-2020	22-Mar-2021	0.76	\$4	n/a	\$4
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 update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, 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	\$256	31-Jan-2020	24-Aug-2020	0.56	\$7	\$256	\$263
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to test the RPZs (\$31 per test x eight tests + \$8 of interest that began accruing from the earliest due date), calculated from the date the final annual RPZ test was due to the screening date.

Approx. Cost of Compliance \$356

TOTAL \$267

Screening Date 24-Aug-2020
Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Enf. Coordinator Steven Hall

Docket No. 2020-1108-MLM-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number

Rule Cite(s)

Violation Description

Failed to develop and maintain an accurate and 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.

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="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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 checked="" 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 Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	18-Jun-2020	21-Apr-2021	0.84	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and begin maintaining an up-to-date chemical and microbiological monitoring plan for the Facility, 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 \$180

TOTAL \$8

Screening Date 24-Aug-2020
Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Enf. Coordinator Steven Hall

Docket No. 2020-1108-MLM-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number

Rule Cite(s)

Violation Description

Failed to properly verify the accuracy of the analyzers used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days. Specifically, the accuracy of the analyzer used to monitor monochloramine and ammonia was not being verified.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure to properly verify the accuracy of the analyzers could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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 checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<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 Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
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
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$5	18-Jun-2020	16-Jul-2020	0.08	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the analyzers at least once every 90 days, calculated from the date of the investigation 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

\$5

TOTAL

\$0

Screening Date 24-Aug-2020
Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Public Water Supply
Enf. Coordinator Steven Hall

Docket No. 2020-1108-MLM-E

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text" value="1.0%"/>
<input type="text" value="Less than 30% 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 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" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<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 Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
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)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	18-Jun-2020	12-Aug-2020	0.15	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation 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

\$45

TOTAL

\$0



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	24-Aug-2020	Screening	24-Aug-2020	EPA Due	
	PCW	26-Aug-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Levelland
Reg. Ent. Ref. No.	RN101385839
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59730	No. of Violations	1
Docket No.	2020-1108-MLM-E	Order Type	1660
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Steven Hall
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$25
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Notes: Reduction for High Performer Classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$62
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$0
 Estimated Cost of Compliance: \$50
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$163
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$163
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$163
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DEFERRAL	20.0% Reduction Adjustment	-\$32
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$131
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Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101385839

Media Water Rights

Enf. Coordinator Steven Hall

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 24-Aug-2020

Docket No. 2020-1108-MLM-E

PCW

Respondent City of Levelland

Policy Revision 4 (April 2014)

Case ID No. 59730

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101385839

Media Water Rights

Enf. Coordinator Steven Hall

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 288.20(c)

Violation Description Failed to review and update, as appropriate, the drought contingency plan at least every five years. Specifically, the plan had not been updated since 2003.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0.0%
Potential					

>> Programmatic Matrix

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 29

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes The Respondent achieved compliance on July 17, 2020.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$163

This violation Final Assessed Penalty (adjusted for limits) \$163

Economic Benefit Worksheet

Respondent City of Levelland
Case ID No. 59730
Reg. Ent. Reference No. RN101385839
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	18-Jun-2020	17-Jul-2020	0.08	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to review and update the drought contingency plan, calculated from the date of the investigation 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

\$50

TOTAL

\$0

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Compliance History Report

Compliance History Report for CN600247167, RN101385839, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600247167, City of Levelland **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101385839, CITY OF LEVELLAND **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 1709 AVENUE H IN LEVELLAND, HOCKLEY COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1100002

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: November 25, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 25, 2015 to November 25, 2020

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Steven T. Hall **Phone:** (512) 239-2569

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 March 29, 2017 (1402583)

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LEVELLAND
RN101385839**

**§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1108-MLM-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Levelland (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, together stipulate that:

1. The Respondent owns and operates a public water supply located at 1709 Avenue H in Levelland, Hockley County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 5,851 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). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(52).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002 and 11.0842 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE §§ 5.013 and 11.0842 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11, and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$10,986 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,196 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$8,790 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
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. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By July 16, 2020, verified the accuracy of the analyzers used to determine the effectiveness of chloramination, including monochloramine and ammonia;
 - b. By July 17, 2020, updated the drought contingency plan;
 - c. By July 31, 2020, submitted documentation that demonstrated that inspections of the Facility's four ground storage tanks ("GSTs") and two elevated storage tanks ("ESTs") were conducted;
 - d. By August 12, 2020, maintained water system operation and maintenance records, including records of the amount of each chemical used each day and verification records for the colorimeter; and
 - e. By November 23, 2020, obtained approval for the significant changes to the water system, including the metal roof system for the one million-gallon GST at the Hickory Street pump station.

II. ALLEGATIONS

During an investigation conducted on June 18, 2020 through July 2, 2020, an investigator documented that the Respondent:

1. Failed to meet the conditions for an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(5). Specifically, in a letter dated June 25, 2018, the Facility was granted an exception for a new metal roof system for the one million-gallon GST at the Hickory Street pump station, and did not follow the conditions by failing to submit plans and specifications for review and approval of construction in accordance with 30 TEX. ADMIN. CODE § 290.39(h)(1).
2. Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, and a fan switch located outside, for enclosures containing more than one 150-pound cylinder of chlorine gas, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C). Specifically, the Hickory Street chlorinator room only had one floor level vent and one high level fan which discharged to the roof, and the Lee Street chlorinator room had only one high level vent discharging through a duct with a fan at floor level.
3. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, Reduced Pressure Zone ("RPZ") assemblies located at O'Hana's, Republic of Texas, Three BMH, Turtle Hole, Covenant South Clinic, South Plains Rehabilitation Hospital, Head Duarte Funeral Home, and Krestridge Funeral Home had not been tested on an annual basis.
4. Failed to inspect the Facility's water storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, the Facility's two ESTs were required to be inspected on January 12, 2018 and were not inspected until March 20, 2018. The ESTs were required again to be inspected on March 20, 2019 and were not inspected until August 13, 2019. Additionally, the Facility's four GSTs were required to be inspected on January 12, 2018 and were not inspected until March 21, 2018. The GSTs were again required to be inspected on March 21, 2019 and were not inspected until May 16, 2019.
5. Failed to develop and maintain an accurate and 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, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
6. Failed to properly verify the accuracy of the analyzers used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(D). Specifically, the accuracy of the analyzer used to monitor monochloramine and ammonia was not being verified.
7. 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)(i)(II) and (f)(3)(B)(iv). Specifically, records of the amount of each chemical used each day and verification records for the colorimeter were not available for review.

8. Failed to review and update, as appropriate, the drought contingency plan at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c). Specifically, the plan had not been updated since 2003.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Levelland, Docket No. 2020-1108-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$8,790 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 60 days after the effective date of this Order:
- i. Provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, including but not limited to the Hickory Street and Lee Street chlorinator rooms, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the locations listed in Allegation No. 3, in accordance with 30 TEX. ADMIN. CODE § 290.44; and
 - iii. Develop and maintain a chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i through 3.c.iii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3426

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

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

12/01/2021

For the Executive Director

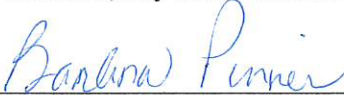
Date

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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

Date

10/4/2021



Name (Printed or typed)
Authorized Representative of
City of Levelland

Title

Mayor

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

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

Attachment A
Docket Number: 2020-1108-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Levelland
Penalty Amount:	Eight Thousand Seven Hundred Ninety Dollars (\$8,790)
SEP Offset Amount:	Eight Thousand Seven Hundred Ninety Dollars (\$8,790)
Type of SEP:	Compliance
Project Name:	<i>Ventilation Improvements</i>
Location of SEP:	Hockley County

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

Respondent is a Local Government that qualifies under Texas Water Code § 7.067 to apply the SEP Offset Amount set forth above to correct violations at its public water supply which are described in this Agreed Order.

1. Project Description

A. Project

Respondent shall hire a contractor to purchase and install new fan and louver systems at the pump stations located on Hickory Street and Lee Street in Levelland, Hockley County. The project will directly improve the ventilation at these pump stations. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for fan and louver system installations (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide access to safe drinking water. Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from illnesses like gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Cost	Units	Total
Fan and Louver System - Hickory Street Pump Station	1	\$4,525	Each	\$4,525
Fan and Louver System - Lee Street Pump Station	1	\$4,525	Each	\$4,525
Total				\$9,050

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 75 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 75 days Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the Project.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

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

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director (“ED”) may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

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

6. Publicity

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

7. Recognition

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

8. Other SEPs by TCEQ or Other Agencies

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