**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

### **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)].

- 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  $\S 290.46(s)(2)(D)$ ].
- 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:

- 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

Docket No. 2020-1108-MLM-E

Media Program(s) Public Water Supply
Multi-Media Water Rights

Multi-Media Water Rights

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

			Penalty	Calculati	ion Section	n		
TOTA	L BASE PENA	LTY (	Sum of violation ba	se penalti	es)		Subtotal 1	\$1,800
ADJU	STMENTS (+ Subtotals 2-7 are of Compliance Hi	btained b	O SUBTOTAL 1 y multiplying the Total Base Pena	alty (Subtotal 1)   - <b>10.0%</b>			otals 2, 3, & 7	-\$180
	Notes		Reduction for Hig		Adjustment lassification.	Subte	itais 2, 3, & 7	-\$160
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes		The Respondent does r	not meet the c	ulpability crite	ria.		
	<b>Good Faith Eff</b>	ort to	Comply Total Adjustmer	nts			Subtotal 5	-\$450
	<b>Economic Ben</b>				nhancement*		Subtotal 6	\$0
	Estimated		EB Amounts \$6 Compliance \$492	*Capped o	at the Total EB \$ A	mount		
SUM (	OF SUBTOTA	LS 1-	7				Final Subtotal	\$1,170
OTHE Reduces	R FACTORS A	<b>AS JU</b> I Subtota	STICE MAY REQUIR I by the indicated percentage.	E	0.0%		Adjustment	\$0
	Notes							
						Final Pe	nalty Amount	\$1,170
STAT	UTORY LIMI	T ADJ	USTMENT			Final Asse	essed Penalty	\$1,170
DEFE	RRAL				20.0%	Reduction	Adjustment	-\$234
Reduces	the Final Assessed Pe	enalty by	the indicated percentage.		•			
	Notes		Deferral offered	for expedited	settlement.			
ΡΔΥΔ	BLE PENALT	<b>Y</b>					_	\$936
	DEE I LIIALI	•						4750

**Respondent** City of Levelland

**Case ID No.** 59730 Reg. Ent. Reference No. RN101385839

Media Public Water Supply

Enf. Coordinator Steven Hall

	Samulianes History	Compliance History Worksheet			
>> (	Component	ory <i>Site</i> Enhancement (Subtotal 2)  Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	and Consent Decrees	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 (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)			0%	
	Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	centage (Sub	ototal 2) 0º	%
>> F	Repeat Violator	(Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	ototal 3) 09	%
>> (	Compliance Hist	ory Person Classification (Subtotal 7)			
	High Perf	ormer Adjustment Per	centage (Sub	total 7) -10	)%
>> (	Compliance Hist	ory Summary			
	Compliance History Notes	Reduction for High Performer Classification.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> -10	)%
>> Fi	nal Compliance	History Adjustment Final Adjustment Percenta	ago *connod	at 1000/- 10	10/2
		гшаі Aujustment Percenta	ige "capped	at <b>100%</b> -10	70

			24-Aug-2020	Docket No. 202	0-1108-MLM-E	PCW
		•	City of Levelland		Policy	Revision 4 (April 2014)
D	_	ase ID No.			PCW R	evision March 26, 2014
Reg.	Ent. Ker		RN101385839 Public Water Supply			
	Enf. C	oordinator				
		tion Number				
		Rule Cite(s)	30	Tex. Admin. Code § 290.46(m)(	1)(A)	
	Violatio	n Description	Facility's two elevated January 12, 2018, an required again to be August 13, 2019. Add were required to be in March 21, 2018. The G	Facility's water storage tanks and storage tanks ("ESTs") were req if were not inspected until March 2 napected on March 20, 2019 and itionally, the Facility's four ground spected on January 12, 2018 and STs were again required to be inswere not inspected until May 16,	uired to be inspected on 20, 2018. The ESTs were were not inspected until distorage tanks ("GSTs") were not inspected until pected on March 21, 2019 2019.	
					Base Penalty	\$1,000
>> Env	/ironmer	ntal, Propei	rty and Human He	alth Matrix		
		Release	<b>Har</b> ı Major Moder			
OR		Actual		ate Millor		
		Potential	Х	Per	cent 15.0%	
D						
>>Prog	gramma	tic Matrix Falsification	Major Moder	ate Minor		
		raisineation	Tidjoi Tiodei		cent 0.0%	
	ľ	e	507 1.007			
	Matrix Notes		persons served by the I	n an annual basis could cause no acility to significant amounts of co that are protective of human he	ontaminants which would	
	'					
				A di	#8E0	
				Adjusti	ment \$850	¢150
				Adjustr	ment \$850	\$150
Violatio	on Event	:s		Adjustr	<b>nent</b> \$850	\$150
Violatio	on Event	-	Violation Events 22		nent \$850	\$150
Violatio	on Event	-				\$150
Violatio	on Event	-	daily			\$150
Violatio	on Event	-				\$150
Violatio	on Event	-	daily weekly monthly quarterly			\$150 \$1,800
Violatio	on Event	-	daily weekly monthly quarterly semiannual		nber of violation days	·
Violatio	on Event	-	daily weekly monthly quarterly semiannual annual		nber of violation days	·
Violatio	on Event	-	daily weekly monthly quarterly semiannual		nber of violation days	·
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event x		ober of violation days  Violation Base Penalty	·
		Number of \	daily weekly monthly quarterly semiannual annual single event x  single events are recomm	932 Num	Violation Base Penalty  wo events per GST)  Reduction	·
		Number of \	daily weekly monthly quarterly semiannual annual single event x  single events are recommand	932 Num	Violation Base Penalty  wo events per GST)  Reduction	\$1,800
		Number of \	daily weekly monthly quarterly semiannual annual single event  x  single events are recomr	932 Num	Violation Base Penalty  wo events per GST)  Reduction	\$1,800
		Number of \	daily weekly monthly quarterly semiannual annual single event	932 Num	Violation Base Penalty  wo events per GST)  Reduction	\$1,800
		Number of \	daily weekly monthly quarterly semiannual annual single event  x  single events are recomr	932 Num	Violation Base Penalty  wo events per GST)  Reduction	\$1,800
		Number of \	daily weekly monthly quarterly semiannual annual single event x   single events are recomr  ply 25  Extraordinary Ordinary x N/A	932 Num	Violation Base Penalty  wo events per GST)  Reduction	\$1,800
		Number of \	daily weekly monthly quarterly semiannual annual single event x   single events are recomr  ply 25  Extraordinary Ordinary x N/A	932 Num 932 Num nended (two events per EST and to the second seco	Violation Base Penalty  wo events per GST)  Reduction  ffer  July 31, 2020.	\$1,800
Good F	aith Effc	Twelve s	daily weekly monthly quarterly semiannual annual single events are recommon	932 Num  932 Num  nended (two events per EST and 6  NOV NOE/NOV to EDPRP/Settlement O	Violation Base Penalty  wo events per GST)  Reduction  ffer  July 31, 2020.  Violation Subtotal	\$1,800
Good F	aith Effc	Twelve s	daily weekly monthly quarterly semiannual annual single event x   single events are recomr  ply 25  Extraordinary Ordinary x N/A	932 Num  932 Num  nended (two events per EST and 6  NOV NOE/NOV to EDPRP/Settlement O	Violation Base Penalty  wo events per GST)  Reduction  ffer  July 31, 2020.	\$1,800 \$450
Good F	aith Effc	Twelve sorts to Com	daily weekly monthly quarterly semiannual annual single events are recommon	932 Num  932 Num  nended (two events per EST and to 100%) NOV NOE/NOV to EDPRP/Settlement Of 100%  spondent achieved compliance on 100%  Sta	Violation Base Penalty  wo events per GST)  Reduction  ffer  July 31, 2020.  Violation Subtotal	\$1,800 \$450
Good F	aith Effc	Twelve sorts to Com	daily weekly monthly quarterly semiannual annual single events are recommon  ply Extraordinary Ordinary N/A Notes The Recommon  this violation  ed EB Amount	932 Num  932 Num  nended (two events per EST and to 100%) NOV NOE/NOV to EDPRP/Settlement Of 100%  spondent achieved compliance on 100%  Sta	Violation Base Penalty  Woo events per GST)  Reduction  ffer  Violation Subtotal  Pututory Limit Test  Ation Final Penalty Total	\$1,800 \$450 \$1,350

	E	conomic	Benefit	Wo	rksheet		
Respondent		nd					
Case ID No.	59730						
Reg. Ent. Reference No.	RN101385839						
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Équipment				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 Other (as needed)	\$164	21-Mar-2019	16-May-2019	0.15	\$1 \$0	n/a n/a	\$1 \$0
Notes for DELAYED costs		, ,	per tank inspec	tion), c		d amount to conduc inspection due date	
Avoided Costs	ANNU	ALIZE avoided o	osts before en	terina	item (except for	one-time avoide	d 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

Media Program(s) Public Water Supply Order Type 1660 Government/Non-Profit Yes
Enf. Coordinator Steven Hall Multi-Media Water Rights EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum Maximum \$5,000

				Penalty	Calcula	tion Section	on		
TOTA	L BASE PENA	LTY (	Sum of	violation ba	se penalt	ties)		Subtotal 1	\$10,900
ADJU	STMENTS (+ Subtotals 2-7 are ol	/-) <b>T</b> (	SUBTO	TAL 1 the Total Base Pena	altv (Subtotal 1	) by the indicated p	ercentage.		
	Compliance Hi		,	tire rotal base rem	-10.0%	Adjustment		otals 2, 3, & 7	-\$1,090
	Notes		R	eduction for Hig		Classification.			
	Culpability	No			0.0%	Enhancement		Subtotal 4	\$0
	Notes		The Re	spondent does r	not meet the	culpability crite	eria.		
	<b>Good Faith Eff</b>	ort to	Comply T	otal Adjustmer	nts			Subtotal 5	-\$174
				_					•
	Economic Ben	efit			0.0%	Enhancement*		Subtotal 6	\$0
	Estimated		B Amounts Compliance	\$811 \$9,816	*Сарре	d at the Total EB \$ A	Amount		-
SUM (	OF SUBTOTA	LS 1-7	7				ı	Final Subtotal	\$9,636
	R FACTORS A				E	0.0%		Adjustment	\$0
Reduces	Notes	Subtota	by the maic	ateu percentage.					
							Final Pe	nalty Amount	\$9,636
STAT	UTORY LIMI	Γ ADJ	USTMEN	IT			Final Asse	essed Penalty	\$9,653
DEFE						20.0%	Reduction	Adjustment	-\$1,930
Reduces	the Final Assessed Pe	enaity by		Deferral offered	for expedite	d settlement.			
ΡΔΥΔ	BLE PENALT	Y						_	\$7,723
		•							Ψ.,. <u>-</u> υ

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

	0		Compliance History Worksheet						
>>	Complianc		Enhancement (Subtotal 2) r of	Number	Adjust.				
	NO	Written	notices of violation ("NOVs") with same or similar violations as those in ent enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%				
			ritten NOVs	0	0%				
			eed final enforcement orders containing a denial of liability ( <i>number of</i> neeting criteria)	0	0%				
	Ord	without	judicated final enforcement orders, agreed final enforcement orders a denial of liability, or default orders of this state or the federal nent, or any final prohibitory emergency orders issued by the commission	0	0%				
	Judgn	of liabil consent	-adjudicated final court judgments or consent decrees containing a denial ty of this state or the federal government (number of judgments or decrees meeting criteria)	0	0%				
	and Co Decr	ees Any adj	udicated final court judgments and default judgments, or non-adjudicated irt judgments or consent decrees without a denial of liability, of this state deral government	0	0%				
	Convid	Any crit	minal convictions of this state or the federal government (number of	0	0%				
	Emiss	cions Chronic	excessive emissions events (number of events)	0	0%				
	Auc	Texas E 1995 (n	notifying the executive director of an intended audit conducted under the nvironmental, Health, and Safety Audit Privilege Act, 74th Legislature, umber of audits for which notices were submitted)	0	0%				
	Add	Disclosu	res of violations under the Texas Environmental, Health, and Safety Audit Act, 74th Legislature, 1995 ( <i>number of audits for which violations were</i> d)	0	0%				
		Environi	mental management systems in place for one year or more	No	0%				
	Oth	under a	y on-site compliance assessments conducted by the executive director special assistance program	No	0%				
		Participa	ition in a voluntary pollution reduction program	No	0%				
			mpliance with, or offer of a product that meets future state or federal nent environmental requirements	No	0%				
			Adjustment Per	centage (Sub	ototal 2) 0%				
>>	Repeat Vi	olator (Subtot	al 3)						
		N/A	Adjustment Per	centage (Sub	ototal 3) 0%				
>>	Compliand	e History Pers	on Classification (Subtotal 7)						
	Hi	gh Performer	rcentage (Sub	ototal 7) -10%					
>>	Compliance History Summary								
	Compliance History Notes Reduction for High Performer Classification.								
	Einal Carre	lianca Historia	Total Compliance History Adjustment Percentage (S	Subtotals 2,	<b>3, &amp; 7)</b> -10%				
<i>&gt;&gt;</i>	rınaı Comp	liance History	Adjustment Final Adjustment Percent.	age *canned.	at <b>100%</b> -10%				
			i mai najastinent i ereent	age suppeu	10/0				

	Scre	ening Date	24-Aug-2020		Doc	ket No. 2020-	1108-MLM-E		PCW
	R	Respondent	City of Levelland					Policy	Revision 4 (April 2014)
		Case ID No.						PCW Revis	sion September 1, 2019
Reg.	Ent. Ref	erence No.							
			Public Water Supply	′					
		coordinator	Steven Hall						
	Viola	ation Number	1						
		Rule Cite(s)		30 Te	x. Admin. Co	de § 290.39(I)(5)	)		
			Failed to meet the o	conditions	for an issued	exception Spec	rifically in a le	tter dated	
			June 25, 2018, the						
	Violatio	n Description	for the one million-						
	Violatio	ii Description				tions by failing to			
			specifications for r			construction in a 290.39(h)(1).	ccordance wit	1 30 Tex.	
				Ad	min. code 3	250.55(11)(1).			
							Bas	e Penalty	\$5,000
>> Fnv	/ironme	ntal Proner	ty and Human	Health I	Matriy				
LIIV		inai, i iopei		Harm	Iduix				
		Release	Major Mo	oderate	Minor				
OR		Actual						i	
		Potential				Perce	ent 0.0%		
>>Pro(	aramma	tic Matrix							
,,,,,,	gramma	Falsification	Major Mo	oderate	Minor				
			Х			Perce	e <b>nt</b> 15.0%		
	Matrix								
	Notes		100% of	f the rule r	equirements	were not met.			
						Adjustme	ent	\$4,250	
						-			+750
									\$750
Violatio	on Event	ts							
					l <del>e</del>	1			
		Number of \	/iolation Events	1		67 Numb	er of violation	days	
			daily						
			weekly						
			monthly					_	
			quarterly			'	iolation Bas	e Penalty	\$750
			semiannual						
			annual						
			single event	Х					
			On	ie single e	vent is recom	mended.			
Good F	aith Effo	orts to Com	ply	10.0%				Reduction	\$75
			Before	NOE/NOV	NOE/NOV to ED	PRP/Settlement Offe	r		
			Extraordinary						
			Ordinary		Х				
			N/A					1	
			Notes	Responde	ent achieved	compliance on N	ovember 23,		
			Notes		2	020.			
								l	
							Violation	Subtotal	\$675
Econon	nic Bene	efit (EB) for	this violation			State	utory Limi	t Test	
		Estimate	ed EB Amount		\$4	Violati	on Final Pen	alty Total	\$600
				This viola	tion Final A	ssessed Penalt	y (adjusted 1	or limits)	\$600

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.	59730						
Reg. Ent. Reference No.	RN101385839						
Media	Public Water S	upply				Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
·							
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 Record Keeping System				0.00	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$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	submitting pla significant ch	ans and specificat anges to the wate	ions and obtaini er system, includ	ng appr ding the	oval from the Exec metal roof systen	ions of the issued ex cutive Director prior n for the one million igation to the date o	to making any gallon GST at
Avoided Costs	ANNU	ALIZE avoided o	osts before en	tering	item (except for	r one-time avoide	l 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 ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs				0.00	1 40	ΨΟ .	<b>4</b> 0
Approx. Cost of Compliance		\$180			TOTAL		\$4

	Scre	ening Date	24-Aug-2020	<b>Docket No.</b> 2020-1108-MLM-E	PCW
		•	City of Levelland	Policy	Revision 4 (April 2014)
		ase ID No.		PCW Revis	sion September 1, 2019
Reg.	Ent. Kef		RN101385839	_h.	
	Fnf C	oordinator	Public Water Sup	piy	
		tion Number			
		Rule Cite(s)		20 Toy, Admin, Codo S 200 42(a)(4)(C)	
				30 Tex. Admin. Code § 290.42(e)(4)(C)	
	Violation	n Description	screened and lo top vent and dis a fan switch loo cylinder of chlo one floor level ve	forced air ventilation, which includes both high level and floor level overed vents, a fan which is located at and draws air in through the charges to the outside atmosphere through the floor level vent, and sated outside, for enclosures containing more than one 150-pound ine gas. Specifically, the Hickory Street chlorinator room only had ent and one high level fan which discharged to the roof, and the Lee room had only one high level vent discharging through a duct with a fan at floor level.	
>> Env	ironme	ntal Proper	ty and Huma	Base Penalty	\$5,000
// ENV	ıı onmei	itai, Proper	ty and numa	n Health Matrix Harm	
		Release	Major	Moderate Minor	
OR		Actual		Paraut 20 004	
		Potential	Х	Percent 30.0%	
>>Proc	ıramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				Percent 0.0%	
	Matrix Notes	Failure to pro		ced air ventilation could expose employees to contaminants which exceed levels protective of human health.	
				Adjustment \$3,500	
				Aujustinent \$5,500	
					\$1,500
Violatio	n Event	s			
Tiolatio			_		
		Number of \	/iolation Events	3 Number of violation days	
			daily weekly monthly quarterly	X Violation Base Penalty	\$4,500
			semiannual annual		
			single event		
		Three month	•	ommended, calculated from the date of the investigation, June 18, to the date of screening, August 24, 2020.	
Good Fa	aith Effo	orts to Com	ply	0.0% Reduction	\$0
			Bef	ore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
			Extraordinary		
			Ordinary N/A	x	
			Notes	he Respondent does not meet the good faith criteria for this violation.	
				Violation Subtotal	\$4,500
Econom	nic Bene	fit (EB) for	this violation	Statutory Limit Test	
		Fetimate	ed EB Amount	\$532 Violation Final Penalty Total	\$4,050
			/June	<del></del>	
				This violation Final Assessed Penalty (adjusted for limits)	\$4,050

Respondent   City of Levelland   Case ID No. 59730   Reg. Ent. Reference No. RN01385839   Media   Public Water Supply   Fundamental Public Water Supply   Percent Interest   Depreciation   5.0   15   15   15   15   15   15   15   1		E	conomic	Benefit	Wo	rksheet		
Case ID No.   59730   Reg. Ent. Reference No.   RN101385839   Media   Public Water Supply   Violation No.   2	Respondent	City of Levella	nd					
Reg. Ent. Reference No.   Media   Public Water Supply   Public Water Supply   Violation No.   2		•						
Notes for DELAYED costs   Public Water Supply   Percent Interest   Vears of Depreciation   S.0   15								
Notes for DELAYED costs   Notes for DELAYED costs   Date Required   Final Date   Percent Interest   Depreciation   S.0   15   15   15   15   15   15   15   1								Vears of
Second Record			опрыя				<b>Percent Interest</b>	
Titem Cost   Date Required   Final Date   Yrs   Interest Saved   Costs Saved   EB Amount	Violation No.	2					1	•
Delayed Costs								
Sequipment   Seq		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Sequipment Buildings	Item Description							
Sequipment Buildings								
Sequipment Buildings	Delayed Costs							
Disposal		\$9,050	18-Jun-2020	21-Apr-2021	0.84	\$25	\$507	\$532
Engineering/Construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Avoided Costs  Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Personnel Inspection/Reporting/Sampling Supplies/Requipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs	Buildings				0.00	\$0	\$0	\$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Avoided Costs  ANNUALIZE avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs	Other (as needed)				0.00			\$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs	Engineering/Construction				0.00	\$0	\$0	\$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs	Land							
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs  Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Other (as needed)  Notes for AVOIDED costs  Other (as needed)								
Notes for DELAYED costs  Notes for 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 through the top vent and discharges to the outside atmosphere through the floor level vent in through the top vent and discharges to the outside atmosphere through the floor level vent in through the top vent and discharges to the outside atmosphere through the floor level vent in through the top vent and discharges to the outside atmosphere through the floor level vent in through the top vent and discharges to the outside atmosphere through the floor level vent in through the top vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor vent and discharges to the outside atmosphere through the floor	5, . 5							
Notes for DELAYED costs  Notes for Delayed cost includes the actual amount to provide force of the outside atmosphere through the outsi								
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								
Notes for DELAYED costs    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	Other (as needed)							
Avoided Costs    Disposal		,					•	
Avoided Costs	Notes for DELAYED COSTS	floor level v						e date of the
Disposal   Personnel   Disposal   Personnel   Disposal   Disposa			inv	estigation to th	e estima	ated date of comp	liance.	
	Avoided Costs	ANNU	ALIZE avoided c	osts before er	ntering	item (except for	one-time avoide	d costs)
	Disposal				0.00	\$0	\$0	\$0
Supplies/Equipment	Personnel				0.00	\$0	\$0	\$0
	Inspection/Reporting/Sampling							
ONE-TIME avoided costs Other (as needed)  Notes for AVOIDED costs    0.00	Supplies/Equipment							
Notes for AVOIDED costs	Financial Assurance							
Notes for AVOIDED costs								
	Other (as needed)				0.00	\$0	\$0	\$0
Approx. Cost of Compliance \$9,050 TOTAL \$532	Notes for AVOIDED costs							
Approx. Cost of Compliance \$9,050 TOTAL \$532								
Approx. Cost of Compilance \$9,050 IUIAL \$532	Ammune Coat of Committees		40.050			T0741		фE33
	Approx. Cost of Compliance		\$9,050			IOTAL		\$532

	Scre	ening Date	24-Aug-2020	Docket	No. 2020-1108-MLM-E		PCW
			City of Levelland			Policy	Revision 4 (April 2014)
	C	Case ID No.	59730			PCW Revisi	ion September 1, 2019
Reg.	Ent. Ref	erence No.	RN101385839				
		Media	Public Water Supply				
	Enf. C	Coordinator	Steven Hall				
	Viola	ation Number					
		Rule Cite(s)	:	30 Tex. Admin. Code §	290.44(h)(4)		
	Violatio	n Description	and on an annual basis they are operating within assemblies located	by a recognized backflon specifications. Specifications of O'Hana's, Republic of	lies ("BPAs") tested upon insta ow assembly tester and certific cally, Reduced Pressure Zone f Texas, Three BMH, Turtle Ho ation Hospital, Head Duarte Fu	ed that ("RPZ") ole,	
			<u> </u>		t been tested on an annual ba		
					Base P	Penalty	\$5,000
>> Env	/ironme	ntal, Prope	ty and Human Hea				
		Release	<b>Harn</b> Major Modera				
OR		Actual					
		Potential	Х		Percent 30.0%		
>>Prog	gramma	tic Matrix					
		Falsification	Major Modera	te Minor	<b>D</b>		
					Percent 0.0%		
		E-llow to to			handa a kanana a kan		
	Matrix Notes		roperly which could result		basis would not ensure the de ntaminants entering into the v of human health.		
					Adjustment	\$3,500	
					Aujustinent	ψ3,300	
						L	\$1,500
Violatio	on Event	te					
Violatio	JII LVCIII	i.S					
		Number of \	/iolation Events 3	6	Number of violation day	ys	
			daily				
			weekly				
			monthly x		Violetian Bass B	<b>.</b>	¢4 F00
			quarterly semiannual		Violation Base P	'enaity_	\$4,500
			annual				
			single event				
		Three menth	ly avents are recommend	lad calculated from the	e date of the investigation, Jur	no 10	
		Tillee Illollei	•	ate of screening, Augus		16 10,	
			<u> </u>	5. 5	•		
Good F	aith Fff	orts to Com	nly 0	0%	Pa	duction	\$0
Good I	aitii Liit	orts to com	Before NOE/	<u> </u>		duction	40
			Extraordinary				
			Ordinary				
			N/A x				
			Notes The Res	oondent does not meet this violat	the good faith criteria for ion.		
					Violation S	ubtotal「	\$4,500
Fconon	nic Rene	efit (FR) for	this violation		Statutory Limit T		
_55.1611	Delle				_	_	
		Estimat	ed EB Amount	\$267	Violation Final Penalt	y Total	\$4,050
			This	violation Final Asse	ssed Penalty (adjusted for	limits)	\$4,050
						-	, ,

	E	conomic	<b>Benefit</b>	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.	59730						
Reg. Ent. Reference No.	RN101385839						
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
Violation No.	J					5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Th B		Date Required	rillai Date	113	Interest Saveu	Costs Saveu	LB Alliount
Item Description							
Delayed Costs	1			<del> </del>			
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	18-Jun-2020	22 Mar 2021	0.00	\$0 \$4	n/a n/a	\$0 \$4
Training/Sampling Remediation/Disposal	\$100	16-Juli-2020	22-Mar-2021	0.76	\$4	n/a	\$4 \$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	employee	e training to ensur ackflow assembly	re that all BPAs tester and cert	are test fied tha	ed upon installatio	operational guidance on and on an annual ong within specification te of compliance.	basis by a
Avoided Costs	ANNU	ALIZE avoided o	osts before er	ntering	item (except for	r one-time avoide	d 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			om the earliest	due dat		31 per test x eight t n the date the final a	
Approx. Cost of Compliance		\$356			TOTAL		\$267

		ening Date		<b>Docket No.</b> 2020-1108-MLM-E	PCW
			City of Levelland		Policy Revision 4 (April 2014)
Dan		Case ID No.		PCW	Revision September 1, 2019
Reg.	ent. Kei		RN101385839 Public Water Supply		
	Enf. C	Coordinator			
		ation Number	4		
		Rule Cite(s)		30 Tex. Admin. Code § 290.121(a) and (b)	
				50 10/11/41/11/10 5000 3 2501222(0) 41/4 (5)	
	Violatio	n Description	microbiological mor sampling frequenc	op and maintain an accurate and up-to-date chemical and nitoring plan that identifies all sampling locations, describes ty, and specifies the analytical procedures and laboratories thy will use to comply with the monitoring requirements.	
				Base Pen	\$5,000
>> Env	ironme	ntal, Propei	ty and Human H	lealth Matrix	
		_	Н	arm	
OR		<b>Release</b> Actual		derate Minor	
O.K		Potential		Percent 0.0%	
>>Prog	gramma	tic Matrix		A	
		Falsification		derate Minor Percent 15.0%	
			X	Percent 15.0%	
	Matrix		100% of	the rule requirements were not met.	
	Notes				
					250
				Adjustment \$4,	250
					\$750
\/:-I-+:-	<b>=</b>	· -			
violatio	on Event	ts .			
		Number of \	/iolation Events	1 67 Number of violation days	
			daily		
			weekly monthly		
			quarterly	Violation Base Pen	<b>alty</b> \$750
			semiannual		
			annual		
			single event	X	
			On	e single event is recommended.	
Good F	aith Eff	orts to Com	nly	0.0% Reduc	tion \$0
doou i e	aitii Liit	orts to com		NOE/NOV to EDPRP/Settlement Offer	LIOII 40
			Extraordinary		
			Ordinary		
			N/A	x	
			Notes The	Respondent does not meet the good faith criteria for this violation.	
				Violation Subt	otal \$750
Econom	nic Bene	efit (EB) for	this violation	Statutory Limit Test	
		Estimate	ed EB Amount	\$8 Violation Final Penalty To	<b>s</b> 675
				This violation Final Assessed Penalty (adjusted for lim	its) \$675

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.	59730						
Reg. Ent. Reference No.		)					
Media	Public Water S					Percent Interest	Years of Depreciation
Violation No.	4						
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	and microb	iological monitorir	ng plan for the F estimate	acility, ed date	calculated from the of compliance.	naintaining an up-to e date of the investi	gation to the
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoide	
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

	Scre	ening Date	24-Aug-2020	<b>Docket No.</b> 2020-1108-MLM-E	PCW
			City of Levelland	Policy	Revision 4 (April 2014)
		ase ID No.		PCW Revis	sion September 1, 2019
Reg. I	Ent. Ref	erence No.	RN101385839		
			Public Water Supply	,	
		oordinator	Steven Hall		
	Viola	ition Number	5		
		Rule Cite(s)		30 Tex. Admin. Code § 290.46(s)(2)(D)	
	Violation	n Description	effectivenes recommendations	ly verify the accuracy of the analyzers used to determine the s of chloramination in accordance with the manufacturer's every 90 days. Specifically, the accuracy of the analyzer used to monochloramine and ammonia was not being verified.	
				Base Penalty	\$5,000
>> Env	ironmei	ntal. Proper	ty and Human	Health Matrix	
		ital, i rope.		Harm	
		Release	Major M	oderate Minor	
OR		Actual			
		Potential		X Percent 7.0%	
>>Prog	ıramma	tic Matrix			
110g	ji allillia	Falsification	Major M	oderate Minor	
				Percent 0.0%	
	Matrix	Failure to prop	perly verify the accu	racy of the analyzers could expose persons served by the Facility	
	Notes	to an insign	ificant amount of co	ntaminants which would not exceed levels protective of human	
	110105			health.	
				A division and	
				Adjustment \$4,650	
					\$350
Violatio	on Event	·c			
		.5			
			/iolation Events	1 Number of violation days	
			/iolation Events	1 Number of violation days	
			/iolation Events	1 28 Number of violation days	
				1 28 Number of violation days	
			daily weekly monthly		
			daily weekly monthly quarterly	1 28 Number of violation days  Violation Base Penalty	\$350
			daily weekly monthly quarterly semiannual		\$350
			daily weekly monthly quarterly semiannual annual		\$350
			daily weekly monthly quarterly semiannual		\$350
			daily weekly monthly quarterly semiannual annual		\$350
			daily weekly monthly quarterly semiannual annual single event		\$350
			daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty  x	\$350
Good Fa	aith Fff <i>i</i>	Number of \	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty  x  ne single event is recommended.	
Good Fa	aith Effc		daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty  x	\$350 \$350
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event	Violation Base Penalty  x  ne single event is recommended.  Reduction	
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event  O	Violation Base Penalty  x  ne single event is recommended.  Reduction	
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event   O   ply  Before  Extraordinary	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event    O    ply	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x	
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event   O	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good Fa	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event    O    ply	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x	
Good Fa	aith Effc	Number of \	daily weekly monthly quarterly semiannual annual single event    O    ply	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x  e Respondent achieved compliance on July 16, 2020.	
		Number of N	daily weekly monthly quarterly semiannual annual single event  O   ply   Before  Extraordinary  Ordinary  N/A  Notes  Th	Violation Base Penalty  The single event is recommended.  Penalty  Reduction  Reduction  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  Respondent achieved compliance on July 16, 2020.  Violation Subtotal	\$87
		Number of Number	daily weekly monthly quarterly semiannual annual single event  Ordinary Ordinary N/A Notes Th	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x  e Respondent achieved compliance on July 16, 2020.  Violation Subtotal  Statutory Limit Test	\$87
		Number of Number	daily weekly monthly quarterly semiannual annual single event  O   ply   Before  Extraordinary  Ordinary  N/A  Notes  Th	Violation Base Penalty  The single event is recommended.  Penalty  Reduction  Reduction  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  X  Respondent achieved compliance on July 16, 2020.  Violation Subtotal	\$87
		Number of Number	daily weekly monthly quarterly semiannual annual single event  Ordinary Ordinary N/A Notes Th	Violation Base Penalty  x  ne single event is recommended.  25.0%  NOE/NOV NOE/NOV to EDPRP/Settlement Offer  x  e Respondent achieved compliance on July 16, 2020.  Violation Subtotal  Statutory Limit Test	\$87

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.							
Reg. Ent. Reference No.							
							V
	Public Water S	supply				<b>Percent Interest</b>	Years of
Violation No.	5						Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
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						of the analyzers at le e date of complianc	
Avoided Costs	ANNU	ALIZE avoided c	osts before er	itering	item (except for	r one-time avoide	d 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		Docket No.	2020-1108-MLM-E	PCW
	City of Levelland			cy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.			PCW Re	vision September 1, 2019
	Public Water Supply			
Enf. Coordinator				
Violation Number				_
Rule Cite(s)	30 Tex. Admin. Code	§ 290.46(f)(2), (f)(3)(A	$\Lambda)(i)(II)$ and $(f)(3)(B)(iv)$	
Violation Description	readily available for review records of the amount of ea	by the Executive Direct	enance records and make them tor upon request. Specifically, day and verification records for e for review.	
			Base Penalt	<b>y</b> \$5,000
>> Environmental, Prope	rty and Human Health	Matrix		
	Harm			
OR Release		Minor		
Potentia			Percent 0.0%	
>> Due augumentie Metuix				
>> Programmatic Matrix Falsification	Major Moderate	Minor		
		Х	Percent 1.0%	
				<b>-</b>
Matrix Notes	Less than 30% of the	rule requirements were	not met.	
		A c	ljustment \$4,95	
		Au	ajustinent \$\pi_1,55	
				\$50
Violation Events				
Number of	Violation Events 1	55	Number of violation days	
Namber of	violation Events 1		Ivalliber of violation days	
	daily weekly monthly quarterly semiannual annual single event  x		Violation Base Penalt	y \$50
	One single e	event is recommended.		
<b>Good Faith Efforts to Com</b>	ply 25.0%		Reduction	\$12
	Before NOE/NOV	NOE/NOV to EDPRP/Settleme	ent Offer	
	Extraordinary X			
	Ordinary x N/A			
		ndent achieved compliar 2020.	nce on August 12,	
			Violation Subtota	\$38
<b>Economic Benefit (EB) for</b>	this violation		Statutory Limit Test	
Economic Benefit (EB) for		¢Ω	Statutory Limit Test	422
	ed EB Amount		Statutory Limit Test Violation Final Penalty Tota Penalty (adjusted for limits	

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.							
Reg. Ent. Reference No.	RN101385839						
	Public Water S						Years of
Violation No.		ларріу				<b>Percent Interest</b>	Depreciation
Violation ito.	J					г о	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Équipment				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
	The delayed	d cost includes the	e estimated amo	ount to	maintain water svs	stem operation and	maintenance
Notes for DELAYED costs						quest by the Execut	
	. 000. 40 4				stigation to the da		7.0 2.11 0000.7
		carcaratea ire	om the date of t		origation to the da	te or compliance.	
Avoided Costs	ANNU	ALIZE avoided o	osts before er	ntering	item (except for	one-time avoide	d 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							
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$45			TOTAL		\$0
Approx. cost of compliance	<u> </u>	\$40	1		IOIAL		<b>\$</b> 0



# 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 Minor

CASE INFORMATION

Enf./Case ID No. 59730

Docket No. 2020-1108-MLM-E

Media Program(s) Water Rights
Multi-Media Public Water Supply

Admin. Penalty \$ Limit Minimum \$0 Maximum \$5,000

			Penalty	Calculation Section	on			
TOTA	L BASE PENA	ALTY (	Sum of violation ba		Subtotal 1	\$250		
ADJU:	Subtotals 2-7 are o	btained by	SUBTOTAL 1 y multiplying the Total Base Pena	alty (Subtotal 1) by the indicated p		-\$25		
	Notes							
	Culpability	No		0.0% Enhancement	Subtotal 4	\$0		
	Notes		The Respondent does r	not meet the culpability crite	eria.			
	<b>Good Faith Eff</b>	ort to (	Comply Total Adjustmen	nts	Subtotal 5	-\$62		
	<b>Economic Ben</b>			0.0% Enhancement*	Subtotal 6	\$0		
	Estimated		B Amounts \$0 Compliance \$50	*Capped at the Total EB \$ /	Amount			
SUM (	OF SUBTOTA	LS 1-7	7		Final Subtotal	\$163		
OTHE Reduces of	R FACTORS A	AS JUS Subtota	STICE MAY REQUIR by the indicated percentage.	E 0.0%	Adjustment	\$0		
	Notes							
					Final Penalty Amount	\$163		
STATI	JTORY LIMI	T ADJ	USTMENT		Final Assessed Penalty	\$163		
DEFE	RRAL			20.0%	Reduction <b>Adjustment</b>	-\$32		
Reduces t	the Final Assessed Pe	enalty by	the indicated percentage.  Deferral offered	for expedited settlement.				
PAYA	BLE PENALT	Y				\$131		

**Docket No.** 2020-1108-MLM-E

**PCW** 

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

Screening Date 24-Aug-2020 **Respondent** City of Levelland **Case ID No.** 59730

Reg. Ent. Reference No. RN101385839

Media Water Rights

Enf. Coordinator Steven Hall

	C	11:	Compliance History Worksheet				
>>		•	ory <i>Sit</i> e Enhancement (Subtotal 2)  Number of	Number	Adjust.		
		NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%		
			Other written NOVs	0	0%		
			Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%		
		Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)		0%		
		Decrees	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%		
		Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%		
		Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)		0%		
		Addits	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%		
			Environmental management systems in place for one year or more	No	0%		
		Other	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 Pe	rcentage (Sub	ototal 2) 0°	%	
>>	Rep	eat Violator (	(Subtotal 3)				
		N/A	Adjustment Pe	rcentage (Sub	ototal 3) 0°	%	
>>	Com	pliance Histo	ory Person Classification (Subtotal 7)				
	High Performer  Adjustment Percentage (Subtotal 7) -10%						
>>	Com	pliance Histo	ory Summary				
	•	Compliance History Notes	Reduction for High Performer Classification.				
	<i>-</i>	0"	Total Compliance History Adjustment Percentage (	Subtotals 2,	<b>3, &amp; 7)</b> -10	)%	
>> I	rınal	Compliance	History Adjustment Final Adjustment Percent	tage *cannod	at 100% -10	70%	
			rınai Aujustinent Percent	age capped	at 100-70 -10	J 7()	

	Scre	ening Date	24-Aug-2020		Doc	ket No. 2020-1108-MLM-E		PCW
			City of Levelland				Policy	Revision 4 (April 2014)
		ase ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Ref		RN101385839					
		Media	Water Rights					
		oordinator						
	Viola	tion Number	1					I
		Rule Cite(s)		30 7	ex Admin Co	ode § 288.20(c)		
				50 1	CX. Admin. CC	oue § 200.20(c)		
	Violation	n Description				e, the drought contingency pla		
			every five y	ears. Specif	ically, the plar	n had not been updated since 2	2003.	
						Bas	e Penalty	\$5,000
=	•							
>> Env	ıronmer	ital, Propei	ty and Huma	Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual	110,01	1.000.000	1 111101			
		Potential				Percent 0.0%		
			<u> </u>					
>>Prog	grammat	tic Matrix						
		Falsification	Major	Moderate	Minor			
			X			Percent 5.0%		
	Matrix		1000	/ af thala				
	Notes		100%	% of the rule	requirements	were not met.		
						Adjustment	\$4,750	
						najasanens <u></u>	Ţ ./·	
								\$250
Violatio	on Event	-						
Violatio	Jii Evelit	5						
		Number of \	/iolation Events	1		29 Number of violation	days	
					. <u>=</u>			
			daily					
			weekly					
			monthly			Walakia Baa		+250
			quarterly			Violation Bas	e Penaity	\$250
			semiannual annual					
			single event	Х				
		ļ	Single event	٨				
				One single e	vent is recom	mended.		
Good F	aith Fffo	rts to Com	nlv	25.0%			Reduction	\$62
doou i	aitii Liio	its to com		fore NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer	Reduction	402
			Extraordinary			-		
			Ordinary	х				
			N/A					
			Ĩ					
			Notes	The Respond	ent achieved o	compliance on July 17, 2020.		
						Violeties	Subtotal	\$188
							•	<b>\$100</b>
Econon	nic Bene	fit (EB) for	this violatio	n		Statutory Limit	Test	
		Estimate	ed EB Amount		\$0	Violation Final Pen	alty Total	\$163
			_					
				This viola	ation Final As	ssessed Penalty (adjusted f	or limits)	\$163

	E	conomic	<b>Benefit</b>	Wo	rksheet		
Respondent	City of Levella	nd					
Case ID No.							
Reg. Ent. Reference No.	RN101385839	)					
	Water Rights						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
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 Other (as needed)	\$50	18-Jun-2020	17-Jul-2020	0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	,	calculated fro	om the date of t	he inve	stigation to the da		
Avoided Costs	ANNU	ALIZE avoided c	osts before e			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs				<u>ji 0.00</u>	1 30	<b>\$</b> 0	30
Approx. Cost of Compliance		\$50			TOTAL		\$0

The TCEQ is committed to accessibility.

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



# 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, CN600247167, City of Levelland Classification: HIGH Rating: 0.00

or Owner/Operator:

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

TCEO 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:

J. Early compliance: N/A

**Sites Outside of Texas:** 

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF LEVELLAND	§	
RN101385839	§	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") consid	lered this agreement of the parties, resolving an enforcement
action regarding the City of Leve	elland (the "Respondent") under the authority of TEX. HEALTH $\&$
SAFETY CODE ch. 341 and TEX. W	VATER CODE ch. 11. The Executive Director of the TCEQ, through
the Enforcement Division, and t	he 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

City of Levelland DOCKET NO. 2020-1108-MLM-E Page 4

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.
- This Order may be executed in separate and multiple counterparts, which together shall 9. 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
Cunt	12/01/2021
For the Executive Director	Date
I, the undersigned, have read and understand the the attached Order, and I do agree to the terms an acknowledge that the TCEQ, in accepting payment on such representation.	d conditions specified therein. I further
I also understand that failure to comply with the C and/or failure to timely pay the penalty amount, n	
<ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications of Referral of this case to the Attorney General additional penalties, and/or attorney fees, or Increased penalties in any future enforcement Automatic referral to the Attorney General's TCEQ seeking other relief as authorized by land</li> </ul>	's Office for contempt, injunctive relief, r to a collection agency; nt actions; Office of any future enforcement actions; and
In addition, any falsification of any compliance do	ocuments may result in criminal prosecution.
Barbow Pinner	10/4/2021
Signature	Date
Barbra Pinner	10/4/2021 Date
Name (Printed or typed)	Title $\mathcal{J}$
Authorized Representative of City of Levelland	
City of Levendilu	

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

#### 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:	Ventilation Improvements
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.

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

## **Estimated Cost Schedule**

#### 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

City of Levelland Docket No. 2020-1108-MLM-E Attachment A

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.