

Executive Summary – Enforcement Matter – Case No. 59947
City of Strawn
RN101424968
Docket No. 2020-1498-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MLM- PWS, MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Strawn PWS, located west of the football field on South Front Street, southwest of the intersection of Texas State Highway 16 and Texas State Highway 108 near Strawn, Palo Pinto County

City of Strawn WWTF, located on South Front Street, approximately 0.05 mile west of the intersection of South Front Street and McKinley Avenue, Palo Pinto County

Type of Operation:

Public water supply and a wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2019-1804-MWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 29, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$32,408

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$32,408

Name of SEP: Community Collection Event (Custom)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 22, 2020, September 24, 2020, and October 5, 2020 through October 16, 2020

Date(s) of NOE(s): October 2, 2020, October 16, 2020, and October 21, 2020

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Docket No. 2020-1498-MLM-E

Violation Information

1. Failed to provide containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
2. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
3. Failed to calibrate the one treated water flow meter and one backwash flow meter at least once every 12 months [30 TEX. ADMIN. CODE § 290.46(s)(1)].
4. Failed to submit monitoring results at intervals specified in the permit [30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326002, Monitoring and Reporting Requirements No. 1].
5. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director ("ED") regarding the failure to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter for haloacetic acids ("HAA5") [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].
6. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to conduct an operation evaluation and submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
7. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 16, 2020, the Respondent provided adequate containment facilities for the bulk caustic chemical storage tank, the bulk polymer chemical storage tank, and the polymer chemical day tank at Facility No. 1.

Technical Requirements:

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

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a. Within 30 days:

i. Calibrate the one treated water flow meter and the one backwash flow meter;

ii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for HAA5 during the third quarter of 2018 through the first quarter of 2020;

iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 1 and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the ED;

iv. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through December 31, 2018 monitoring period. Submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements; and

v. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to conduct an operation evaluation and submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5 during the second and third quarters of 2018.

b. Within 45 days, submit written certification to demonstrate compliance with 2.a.

c. Within 90 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the overgrowth of vegetation in the sludge lagoon, removing excess sludge from the lagoon, repairing the interior coating system of the east filter, restoring the filter media, removing the mixed sand and anthracite from the filter, and removing the accumulated anthracite from the backwash trough.

d. Within 105 days, submit written certification to demonstrate compliance with 2.c.

3. At Facility 2, the Order will require the Respondent to:

a. Within 30 days:

i. Submit discharge monitoring reports for the monthly monitoring periods of July 2019 through June 2020; and

ii. Develop and implement procedures and conduct employee training to ensure discharge monitoring reports are submitted.

b. Within 45 days, submit written certification to demonstrate compliance with 3.a.

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Docket No. 2020-1498-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Duncan, Enforcement Division, Enforcement Team 2, MC 219, (817) 588-5805; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: The Honorable Omer Mallory, Mayor, City of Strawn, P.O. Box 581, Strawn, Texas 76475

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	5-Oct-2020	Screening	12-Oct-2020	EPA Due	30-Sep-2020
	PCW	14-Oct-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Strawn (PCW No. 1)
Reg. Ent. Ref. No.	RN101424968
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59947	No. of Violations	1
Docket No.	2020-1498-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		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	\$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	90.0%	Adjustment	Subtotals 2, 3, & 7	\$225
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Notes: Enhancement for four NOV's with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$25
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$385
 Estimated Cost of Compliance: \$3,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$450
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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	\$450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$450
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$450
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Screening Date 12-Oct-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 1)

Case ID No. 59947

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101424968

PCW Revision September 1, 2019

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 12-Oct-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 59947

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101424968

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)

Violation Description Failed to provide containment facilities for all liquid chemical storage tanks. Specifically, the bulk caustic chemical storage tank, the bulk polymer chemical storage tank, and the polymer chemical day tank did not have containment facilities.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (5.0%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Failure to provide adequate containment for all liquid chemical storage tanks could expose employees or the environment to a significant amount of contaminants which would not exceed levels protective of human health or environmental receptors.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 20 Number of violation days

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the September 22, 2020 record review date to the October 12, 2020 screening date.

Good Faith Efforts to Comply

10.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction \$25

Table with columns: Effort Level (Extraordinary, Ordinary, N/A).

Notes The Respondent achieved compliance by October 16, 2020.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$94

Violation Final Penalty Total \$450

This violation Final Assessed Penalty (adjusted for limits) \$450

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 1)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
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)	\$1,000	12-Jun-2019	16-Oct-2020	1.35	\$4	\$90	\$94
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide adequate containment facilities for the bulk caustic chemical storage tank, the bulk polymer chemical storage tank, and the polymer chemical day tank, calculated from the date of the investigation date initially documenting the violation to the compliance date.

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

\$1,000

TOTAL

\$94



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	5-Oct-2020	Screening	12-Oct-2020	EPA Due	30-Sep-2020
	PCW	14-Oct-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Strawn (PCW No. 2)
Reg. Ent. Ref. No.	RN101424968
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59947	No. of Violations	2
Docket No.	2020-1498-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		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	\$120
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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	90.0%	Adjustment	Subtotals 2, 3, & 7	\$108
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Notes: Enhancement for four NOV's with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$650
Estimated Cost of Compliance	\$4,124

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$228
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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	\$228
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$228
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$228
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Screening Date 12-Oct-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 2)

Case ID No. 59947

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101424968

PCW Revision March 26, 2014

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 12-Oct-2020
Respondent City of Strawn (PCW No. 2)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1498-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

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"/>	<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 Strawn (PCW No. 2)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
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	\$62	22-Sep-2020	15-Jun-2021	0.73	\$2	n/a	\$2
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 calibrate the Facility's flow meters (\$31 per flow meter x two flow meters), calculated from the record review date 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	\$62	12-Jun-2019	12-Oct-2020	1.34	\$4	\$62	\$66
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to calibrate the Facility's flow meters (\$31 per flow meter x two flow meters), calculated from the date of the investigation initially documenting the violation to the screening date.

Approx. Cost of Compliance

\$124

TOTAL

\$68

Screening Date 12-Oct-2020
Respondent City of Strawn (PCW No. 2)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1498-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, there was an overgrowth of vegetation in the sludge lagoon and excess sludge in the sludge lagoon. Additionally, the interior coating system of the east filter was deteriorated and rusted, the filter media was depleted, mixing of the sand and remaining anthracite in the filter was visible, and anthracite was accumulated in the backwash trough.

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="3.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	

>> Programmatic Matrix

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

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts 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 type="text" value="x"/>

Violation Base Penalty

Two single events are recommended (one event for each facility and/or equipment).

Good Faith Efforts to Comply

Reduction

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

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

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 2)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$4,000	12-Jun-2019	9-Jul-2021	2.08	\$28	\$554	\$582
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to remove the overgrowth of vegetation in the sludge lagoon, remove excess sludge from the sludge lagoon, repair the interior coating system of the east filter, replenish the filter media bed, and remove the accumulated anthracite from the backwash trough, calculated from the investigation date initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$582



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	19-Oct-2020	Screening	23-Oct-2020	EPA Due	31-Dec-2020
	PCW	9-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Strawn (PCW No. 3)
Reg. Ent. Ref. No.	RN101424968
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59947	No. of Violations	2
Docket No.	2020-1498-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		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	\$1,500
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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	90.0%	Adjustment	Subtotals 2, 3, & 7	\$1,350
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Notes: Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$14
 Estimated Cost of Compliance: \$250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,850
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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	\$2,850
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,850
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,850
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Screening Date 23-Oct-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 3)

Policy Revision 4 (April 2014)

Case ID No. 59947

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101424968

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 23-Oct-2020 **Docket No.** 2020-1498-MLM-E **PCW**
Respondent City of Strawn (PCW No. 3) *Policy Revision 4 (April 2014)*
Case ID No. 59947 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)
Violation Description Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids ("HAA5") during the second quarter of 2019 through the first quarter of 2020. Specifically, the public notifications were required by December 25, 2019, March 2, 2020, April 27, 2020, and August 18, 2020, but were not provided.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification	x			

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 4 303 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Four single events are recommended (one for each notification).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,900

This violation Final Assessed Penalty (adjusted for limits) \$1,900

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 3)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
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	\$100	5-Oct-2020	15-Jun-2021	0.69	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	25-Dec-2019	15-Jun-2021	1.47	\$7	n/a	\$7

Notes for DELAYED costs

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

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$10

Screening Date 23-Oct-2020
Respondent City of Strawn (PCW No. 3)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1498-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

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 3)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	19-Oct-2019	15-Jun-2021	1.66	\$4	n/a	\$4

Notes for DELAYED costs

The Training/Sampling cost associated with this violation is included in the Economic Benefit Worksheet for PCW No. 3, Violation No 1.

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$4



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	19-Oct-2020	Screening	23-Oct-2020	EPA Due	31-Dec-2020
	PCW	13-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Strawn (PCW No. 4)
Reg. Ent. Ref. No.	RN101424968
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	59947	No. of Violations	2
Docket No.	2020-1498-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Quality	Enf. Coordinator	Aaron Vincent
		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	\$200
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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	90.0% Adjustment	Subtotals 2, 3, & 7	\$180
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Notes: Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$16
 Estimated Cost of Compliance: \$131
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$380
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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	\$380
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$380
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$380
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Screening Date 23-Oct-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 4)

Policy Revision 4 (April 2014)

Case ID No. 59947

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101424968

Media Public Water Supply

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 23-Oct-2020 **Docket No.** 2020-1498-MLM-E **PCW**
Respondent City of Strawn (PCW No. 4) *Policy Revision 4 (April 2014)*
Case ID No. 59947 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through December 31, 2018 monitoring period.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

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

Adjustment \$950
 \$50

Violation Events

Number of Violation Events 1 661 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$7 **Violation Final Penalty Total** \$95

This violation Final Assessed Penalty (adjusted for limits) \$95

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 4)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
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)	\$56	31-Dec-2018	15-Jun-2021	2.46	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notifications for the January 1, 2018 through December 31, 2018 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x 11 sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due 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 \$56

TOTAL \$7

Screening Date 23-Oct-2020
Respondent City of Strawn (PCW No. 4)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Enf. Coordinator Aaron Vincent

Docket No. 2020-1498-MLM-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description
 Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids during the third quarter of 2018 through the first quarter of 2019. Specifically, the public notifications were required by December 27, 2018, April 3, 2019, June 19, 2019, but were not provided.

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

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

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

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 4)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$75	27-Dec-2018	15-Jun-2021	2.47	\$9	n/a	\$9

Notes for DELAYED costs

The Training/Sampling cost associated with this violation is included in the Economic Benefit Worksheet for PCW No. 3, Violation No 1.

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$75

TOTAL \$9



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	9-Nov-2020			
	PCW	24-Nov-2020	Screening	17-Nov-2020	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Strawn (PCW No. 5)				
Reg. Ent. Ref. No.	RN101424968				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	59947	No. of Violations	1		
Docket No.	2020-1498-MLM-E	Order Type	Findings		
Media Program(s)	Water Quality	Government/Non-Profit	Yes		
Multi-Media	Public Water Supply	Enf. Coordinator	Aaron Vincent		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit	Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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	90.0%	Adjustment	Subtotals 2, 3, & 7	\$13,500
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Notes: Enhancement for four NOV's with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$31
 Estimated Cost of Compliance: \$400
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$28,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$28,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$28,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$28,500
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Screening Date 17-Nov-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 5)

Case ID No. 59947

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN101424968

PCW Revision March 26, 2014

Media Water Quality

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date 17-Nov-2020

Docket No. 2020-1498-MLM-E

PCW

Respondent City of Strawn (PCW No. 5)

Policy Revision 4 (April 2014)

Case ID No. 59947

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101424968

Media Water Quality

Enf. Coordinator Aaron Vincent

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System Permit No. WQ0010326002, Monitoring and Reporting Requirements No. 1

Violation Description Failed to submit monitoring results at intervals specified in the permit. Specifically, the discharge monitoring reports ("DMRs") from July 2019 through June 2020 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 12 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$15,000

Twelve single events are recommended (one per missing DMR).

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$28,500

This violation Final Assessed Penalty (adjusted for limits) \$28,500

Economic Benefit Worksheet

Respondent City of Strawn (PCW No. 5)
Case ID No. 59947
Reg. Ent. Reference No. RN101424968
Media Water Quality
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	\$100	24-Sep-2020	15-Jun-2021	0.72	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$300	20-Aug-2019	15-Jun-2021	1.82	\$27	n/a	\$27

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and implement procedures and conduct employee training to ensure DMRs are submitted in accordance with permit requirements, calculated from the investigation date to the estimated date of compliance.

The delayed cost includes the estimated amount to submit the DMRs for the months of July 2019 through June 2020 (\$25 per DMR), calculated from the date the first DMR was due 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

\$400

TOTAL

\$31

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN600446934, RN101424968, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600446934, City of Strawn **Classification:** SATISFACTORY **Rating:** 8.26
Regulated Entity: RN101424968, CITY OF STRAWN **Classification:** SATISFACTORY **Rating:** 20.67
Complexity Points: 6 **Repeat Violator:** NO
CH Group: 14 - Other
Location: West of the football field on South Front Street, southwest of the intersection of State Highway 16 and State Highway 108 near Strawn, Palo Pinto County, Texas
TCEQ Region: REGION 04 - DFW METROPLEX
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1820005 WATER LICENSING LICENSE 1820005 WASTEWATER PERMIT WQ0010326002 WASTEWATER EPA ID TX0137405
Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020
Date Compliance History Report Prepared: February 24, 2021
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: February 24, 2016 to February 24, 2021
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Aaron Vincent **Phone:** (512) 239-0855

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 11/08/2016 ADMINORDER 2016-0769-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.090 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.
- 2 Effective Date: 03/12/2018 ADMINORDER 2017-0483-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

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

Description: HAA5 LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.077 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: HAA5 LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: HAA5 LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.089 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

3 Effective Date: 06/16/2020 ADMINORDER 2019-0050-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

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

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

Rqmt Prov: OP Nos. 2.c and 2.d ORDER

Description: Failure to comply with the Maximum Contaminant Level (MCL) of 0.080 milligrams per liter (mg/L) for total trihalomethanes (TTHM), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts (DBP2) at Site 1 were 0.094 mg/L for the fourth quarter of 2015 and 0.090 mg/L for the first quarter of 2016. Failure to comply with TCEQ Agreed Order Docket No. 2016-0769-PWS-E.

Classification: Moderate

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

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

Description: TTHM LRAA MCL 3Q2018 - During the third quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.214 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.230 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.169 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 4Q2017 - During the fourth quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.136 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 3Q2017 - During the third quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.151 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 2Q2017 - During the second quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.144 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

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

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

Description: TTHM LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.139 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM/HAA5 OEL Reporting - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at 101 Palo Pinto Ave, Strawn (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP2 MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the second quarter of 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- | | | | |
|---|--|--|--|
| 1 | Date: 03/17/2020 (1680088) | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A) | | |
| | | 30 TAC Chapter 290, SubChapter F 290.122(f) | |
| | Description: HAA5 DBP2 MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 3rd quarter of 2019. | | |
| 2 | Date: 05/12/2020 (1656730) | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | | 30 TAC Chapter 305, SubChapter F 305.125(17) | |
| | Description: NON-RPT VIOS FOR MONIT PER OR PIPE | | |
| | Self Report? NO | Classification: Moderate | |

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

3 Date: 05/21/2020 (1680088)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: HAA5 DBP2 MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 4th quarter of 2019.

4 Date: 09/15/2020 (1680088)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: HAA5 DBP2 MCL PN 1Q2020 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 1st quarter of 2020.

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 2/24/2016 and 2/24/2021

- 1 Date: 11/05/2015 (1329453)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead
 and copper levels to the TCEQ for the triennial reduced monitoring period from
 01/01/2013 to 12/31/2015 within the required timeline.
- 2 Date: 01/25/2016 (1329453)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated
 the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L
 at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 3 Date: 04/07/2016 (1329453)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated
 the maximum contaminant level for trihalomethanes with a LRAA of 0.090 mg/L
 at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 4 Date: 09/07/2016 (1357657)
Classification: Minor
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.
 EIC C3 MIN(3)(C)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a disinfectant residual of at least 0.5 milligrams per liter
 (mg/L) total chlorine throughout the distribution system.
 EIC B19c(6) MOD(2)(G)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)
Description: Failure to record the individual filter effluent turbidity value every 15 minutes.
 EIC B3 MOD(2)(G)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failure to install a backflow prevention assembly where required to protect
 against a health hazard.
 EIC B19c(10) MOD(2)(G)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
Description: Failure to create a Nitrification Action Plan.
 EIC B3 MOD(2)(B)
Classification: Moderate
- Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
Description: Failure to properly calibrate the turbidimeters.
EIC B1 MOD(2)(E)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
Description: Failure to verify the accuracy of the online disinfectant residual analyzer at least once every seven days.
EIC B1 MOD(2)(E)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(B)
Description: Failure to provide a day tank for the caustic feed.
EIC B18 MOD(2)(G)
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(E)
Description: Failure to maintain facilities to monitor the sludge depth in the clarifiers.
EIC C4 MIN(3)(D)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
Description: Failure to have an operator on duty at the plant when it is in operation or provide alarms and automatic shutdown facilities based on turbidity and disinfectant residual levels.
EIC B18 MOD(2)(G)
Classification: Major

Self Report? NO For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 290, SubChapter D 290.42(i)
Description: Failure to obtain authorization to discharge wastewater from the surface water treatment plant.
EIC B4 MAJ(1)(B)

5 Date: 10/13/2016 (1383471)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: HAA5 LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.077 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

6 Date: 12/09/2016 (1383471)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: HAA5 DBP2 MCL PN 3Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the third quarter of 2016.

7 Date: 12/28/2016 (1383471)
Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: HAA5 LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated

the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).

- 8 Date: 03/21/2017 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.139 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 9 Date: 03/21/2017 (1402491) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: HAA5 LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.089 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 10 Date: 06/13/2017 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 2Q2017 - During the second quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.144 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 11 Date: 09/12/2017 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 3Q2017 - During the third quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.151 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 12 Date: 12/19/2017 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 4Q2017 - During the fourth quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.136 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 13 Date: 04/03/2018 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.169 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 14 Date: 07/10/2018 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.230 mg/L

at 101 Palo Pinto Ave, Strawn (DBP2-01).

- 15 Date: 09/28/2018 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 3Q2018 - During the third quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.214 mg/L at 101 Palo Pinto Ave, Strawn (DBP2-01).
- 16 Date: 10/18/2018 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
Description: DBP2 TTHM/HAA5 OEL Reporting - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at 101 Palo Pinto Ave, Strawn (DBP2-01) within the required timeline.
- 17 Date: 11/12/2018 (1533851) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: TTHM DBP2 MCL PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for trihalomethanes during the second quarter of 2018.
- 18 Date: 01/10/2019 (1680088) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: HAA5 DBP2 MCL PN 3Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 3rd quarter of 2018.
- 19 Date: 03/11/2019 (1680088) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 06/01/2018 to 09/30/2018 The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2018 to 12/31/2018.
- 20 Date: 04/30/2019 (1680088) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: HAA5 DBP2 MCL PN 4Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 4th quarter of 2018.

- 21 Date: 05/24/2019 (1559044) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(d)
Eff. Lims. & Mon. Reqs. No. 1 PERMIT
- Description: Failed to comply with flow measurements, equipment, installation, and procedures that conform to those prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, Washington D.C., or methods that are equivalent as approved by the Executive Director. Specifically, no primary or secondary means of flow measuring devices were installed at the facility to measure flow after the final treatment unit.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(c)
Eff. Lims. & Mon. Reqs. No. 1, 2, and 4 PERMIT
- Description: Failed to properly collect and analyze effluent samples according to the permit. Specifically, sampling was not being conducted in accordance with the permit.
- 22 Date: 07/15/2019 (1680088) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
- Description: HAA5 DBP2 MCL PN 1Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 1st quarter of 2019.
- 23 Date: 08/09/2019 (1571313) Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
- Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan. EIC C3 MIN(3)(C)
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)
30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(II)
- Description: Failure to provide secondary containment for chemical storage tanks. EIC: C4, MIN(3)(D)
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
- Description: Failure to provide enforceable provisions for cross connections or unacceptable plumbing practices in the plumbing ordinance. EIC: C7, MIN(3)(C)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
- Description: Failure to conduct customer service inspections at new connections prior to providing continuous water service. EIC: B18c8, MOD(2)(E)
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
- Description: Failure to maintain the equipment and facilities at the surface water treatment plant. EIC: C4, MIN(3)(D)
- Classification: Moderate
- Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to verify the calibration of the SWTP flow meters annually.
EIC: B1, MOD(2)(E)
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
30 TAC Chapter 290, SubChapter D 290.46(z)(1)
30 TAC Chapter 290, SubChapter D 290.46(z)(2)
30 TAC Chapter 290, SubChapter D 290.46(z)(3)
30 TAC Chapter 290, SubChapter D 290.46(z)(4)
Description: Failure to develop an administratively complete Nitrification Action Plan (NAP).
EIC: C3, MIN(3)(C)

24* Date: 11/13/2019 (1680088)
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DBP2 TTHM/HAA5 OEL Reporting PN 2Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a trihalomethanes/haloacetic acids operational evaluation level reporting violation at 101 Palo Pinto Ave, Strawn (DBP2-01).

25* Date: 01/17/2020 (1680088)
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: HAA5 DBP2 MCL PN 2Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 2nd quarter of 2019.

26* Date: 02/18/2020 (1680088)
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DBP2 TTHM/HAA5 OEL Reporting PN 3Q2018 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a trihalomethanes/haloacetic acids operational evaluation level reporting violation at 101 Palo Pinto Ave, Strawn (DBP2-01).

27* Date: 03/17/2020 (1680088)
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: HAA5 DBP2 MCL PN 3Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 3rd quarter of 2019.

28* Date: 05/12/2020 (1656730)
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Classification: Moderate

Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(17)
 Description: NON-RPT VIOS FOR MONIT PER OR PIPE Classification: Moderate

29* Date: 05/21/2020 (1680088) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: HAA5 DBP2 MCL PN 4Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 4th quarter of 2019.

30 Date: 09/15/2020 (1680088) Classification: Moderate

Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: HAA5 DBP2 MCL PN 1Q2020 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for haloacetic acids during the 1st quarter of 2020.

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

**Appendix B
 All Investigations Conducted During Component Period February 24, 2016 and February 24, 2021**

Item 1 May 04, 2016** (1329453) For Informational Purposes Only
 Item 2 May 06, 2016** (1330564) For Informational Purposes Only
 Item 3 August 31, 2016** (1357657) For Informational Purposes Only
 (1383471)

Item 4	January 03, 2017**	For Informational Purposes Only (1395631)
Item 5	March 06, 2017**	For Informational Purposes Only (1402491)
Item 6	March 28, 2017**	For Informational Purposes Only (1402952)
Item 7	March 31, 2017**	For Informational Purposes Only (1434640)
Item 8	August 21, 2017**	For Informational Purposes Only (1520840)
Item 9	October 30, 2018**	For Informational Purposes Only (1533851)
Item 10	December 18, 2018**	For Informational Purposes Only (1537035)
Item 11	December 20, 2018**	For Informational Purposes Only (1559044)
Item 12	May 20, 2019**	For Informational Purposes Only (1571313)
Item 13	August 05, 2019**	For Informational Purposes Only (1610166)
Item 14	November 20, 2019**	For Informational Purposes Only (1624696)
Item 15	January 30, 2020**	For Informational Purposes Only (1656730)
Item 16	May 12, 2020**	For Informational Purposes Only (1650688)
Item 17	May 27, 2020**	For Informational Purposes Only (1677892)
Item 18	October 01, 2020	For Informational Purposes Only (1680088)
Item 19	October 13, 2020	For Informational Purposes Only (1683562)
Item 20	October 16, 2020	For Informational Purposes Only (1678179)
Item 21	November 02, 2020	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF STRAWN
RN101424968**

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§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1498-MLM-E**

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 Strawn (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located west of the football field on South Front Street, southwest of the intersection of State Highway 16 and State Highway 108 near Strawn, Palo Pinto County, Texas ("Facility No. 1"). Facility No. 1 provides water for human consumption, has approximately 521 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility No. 1 is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).

The Respondent owns and operates a wastewater treatment facility located on South Front Street, approximately 0.05 mile west of the intersection of South Front Street and McKinley Avenue, in Palo Pinto County, Texas ("Facility No. 2"). Facility No. 2 is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).

2. During a record review conducted on September 22, 2020, an investigator documented that at Facility No. 1:
 - a. The bulk caustic chemical storage tank, the bulk polymer chemical storage tank, and the polymer chemical day tank did not have containment facilities.
 - b. There was an overgrowth of vegetation in the sludge lagoon and excess sludge in the sludge lagoon. Additionally, the interior coating system of the east filter was deteriorated and rusted, the filter media was depleted, mixing of the sand and remaining anthracite in the filter was visible, and anthracite was accumulated in the backwash trough.
 - c. The one treated water flow meter and the one backwash flow meter were not calibrated at least once every 12 months.
3. During a record review conducted on September 24, 2020, an investigator documented that at Facility No. 2, the discharge monitoring reports ("DMRs") from July 2019 through June 2020 were not submitted by the 20th day of the following month.
4. During a record review conducted from October 5, 2020 through October 16, 2020, an investigator documented that at Facility No. 1:
 - a. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5") during the third quarter of 2018 through the first quarter of 2020. Specifically, the public notifications were required by December 27, 2018, April 3, 2019, June 19, 2019, December 25, 2019, March 2, 2020, April 27, 2020, and August 18, 2020, but were not provided.
 - b. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for total trihalomethanes ("TTHM") and HAA5 during the second and third quarters of 2018.
 - c. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through December 31, 2018 monitoring period.

5. The Executive Director recognizes that by October 16, 2020, the Respondent provided adequate containment facilities for the bulk caustic chemical storage tank, the bulk polymer chemical storage tank, and the polymer chemical day tank at Facility No. 1.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to provide containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to calibrate the one treated water flow meter and one backwash flow meter at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
5. As evidenced by Finding of Fact No. 3, the Respondent failed to submit monitoring results at intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17) and 319.7(d), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010326002, Monitoring and Reporting Requirements No. 1.
6. As evidenced by Finding of Fact No. 4.a, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL of 0.060 mg/L for HAA5, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
7. As evidenced by Finding of Fact No. 4.b, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
8. As evidenced by Finding of Fact No. 4.c, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been

distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) and TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of \$32,408 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 7.053. Pursuant to TEX. WATER CODE § 7.067, \$32,408 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.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 10 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Strawn, Docket No. 2020-1498-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 Conclusion of Law No. 10. The amount of \$32,408 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 at Facility No. 1:

- a. Within 30 days after the effective date of this Order:
 - i. Calibrate the one treated water flow meter and the one backwash flow meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for HAA5 during the third quarter of 2018 through the first quarter of 2020, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility No. 1 and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iv. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through December 31, 2018 monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - v. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct an operation evaluation and submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM and HAA5 during the second and third quarters of 2018, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.v.
- c. Within 90 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including removing the overgrowth of vegetation in the sludge lagoon, removing excess sludge from the lagoon, repairing the interior coating system of the east filter, restoring the filter media, removing the mixed sand and anthracite from the filter, and removing the accumulated anthracite from the backwash trough, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- d. Within 105 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 No. 3.c. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

with a copy to:

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

4. The Respondent shall undertake the following technical requirements at Facility No. 2:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit DMRs for the monthly monitoring periods of July 2019 through June 2020, in accordance with 30 TEX. ADMIN. CODE §§ 305.125 and 319.7; and

- ii. Develop and implement procedures and conduct employee training to ensure DMRs are submitted in accordance with permit requirements for TPDES Permit No. WQ0010326002.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d above, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 4.a.i and 4.a.ii.
5. All relief not expressly granted in this Order is denied.
6. 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 operations at Facility Nos. 1 and 2 referenced in this Order.
7. If the Respondent fails to comply with Ordering Provision Nos. 2, 4.a.i, 4.a.ii, and 4.b 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.
8. 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.
9. 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 in this Order.
10. 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.
11. 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.

12. 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.
13. 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



For the Executive Director

7/19/2022

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

4/6/22
Date



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

Mayor
Title

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: 2020-1498-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Strawn
Penalty Amount:	Thirty-Two Thousand Four Hundred Eight Dollars (\$32,408)
SEP Offset Amount:	Thirty-Two Thousand Four Hundred Eight Dollars (\$32,408)
Type of SEP:	Custom
Project Name:	<i>Community Collection Event</i>
Location of SEP:	Palo Pinto 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.

1. Project Description

A. Project

Respondent shall host community cleanup event for the collection and proper disposal of tires, bulky items, and other debris. Respondent shall offer a designated drop-off location 50 feet north of the intersection of South Front Street and Garfield Avenue in Strawn, Texas. The public can drop off used tires, mattresses, box springs, couches, recliners, washers, dryers, ovens, evaporative coolers, lumber wood fencing materials, plastic furniture, and other non-putrescible items for disposal at no cost to the citizens. Tires will be placed in separate roll-off bins for disposal at the permitted landfill. The landfill operators shall provide the roll-off bins, and collect, transport, and dispose of the collected materials at the permitted landfill in Strawn. Specifically, the SEP Offset Amount shall be used for collection, transport, and proper disposal of tires and bulky items, and for advertisement of the event (the “Project”). Respondent shall provide labor at no cost to the SEP. 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.

The event will be advertised in at least one newspaper of large circulation in the geographic area to increase public awareness of and participation in the event and will include the required enforcement statement described in Section 6, *Publicity*.

Respondent shall ensure that the collection event:

1. is advertised to the public,
2. occurs during daylight hours,
3. offers to the public a convenient drop-off location, and
4. uses personnel or licensed contractors knowledgeable about appropriate methods for the collection, storage, and disposal of potentially hazardous waste.

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 a discernable environmental benefit by reducing the dangers and health threats associated with illegally dumped tires. Areas used for illegal tire dumping may be easily accessible to people, especially children, exposing them to physical hazards. Abandoned tires and tire scraps collect standing water which attracts rodents and insects and provides ideal breeding grounds for mosquitoes carrying diseases such as the West Nile Virus. Tires are highly flammable and tire fires are difficult to extinguish, leading to contamination of the air, land, and water. Run-off from scrap tires can contaminate groundwater and surface water. In addition, abandoned tires may impact drainage, making areas more susceptible to flooding when the waste blocks waterways.

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
Mailed Advertisement to Citizens	1000	\$0.50	Each	\$500
Roll-off Bins	21	\$1,550	Each	\$32,550
On-site Signage	4	\$50	Each	\$200
Total				\$33,250

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 365 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 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-

day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent shall submit progress reports to the TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 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 Project showing the collected materials;
8. A count on the type of items collected, i.e. number of televisions, number of tires (by type, such as passenger, truck, etc.), number of appliances (by type), gallons of paint, etc.;
9. Manifest sufficient to show proof of proper disposal and/or recycling of the collected materials;
10. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
11. 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.