

Executive Summary – Enforcement Matter – Case No. 60146
City of Huntington
RN101184638
Docket No. 2020-1548-PWS-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:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Huntington Water System, 202 South Gibson Street, Huntington, Angelina County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 13, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,834

Total Paid to General Revenue: \$529

Total Due to General Revenue: \$18,305

Payment Plan: 35 payments of \$523 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

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: November 16, 2020 through December 4, 2020

Date(s) of NOE(s): December 4, 2020

Executive Summary – Enforcement Matter – Case No. 60146
City of Huntington
RN101184638
Docket No. 2020-1548-PWS-E

Violation Information

1. Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
2. Failed to comply with the additional sampling requirements as required by the ED to ensure that minimal levels of corrosion are maintained in the distribution system [30 TEX. ADMIN. CODE § 290.117(n)].
3. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected [30 TEX. ADMIN. CODE § 290.109(d)(4)(B)].
4. Failed 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 cause an exceedance of the operational evaluation level for total trihalomethanes for Stage 2 Disinfection Byproducts [30 TEX. ADMIN. CODE § 290.115(e)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period and ensure that the samples are analyzed and the results are reported to the ED.
- b. Within 30 days:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the ED within ten days following the end of each monitoring period;
 - ii. Collect one groundwater source *Escherichia coli* sample from well no. 2;

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City of Huntington
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Docket No. 2020-1548-PWS-E

- iii. Conduct an operation evaluation and submit an operation evaluation report to the ED; and
- iv. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days following the end of the monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the ED for one compliant monitoring period.
- c. Within 45 days, submit written certification to demonstrate compliance with b.i. through b.iii.
- d. Within 195 days, submit written certification to demonstrate compliance with a.
- e. Within 225 days, submit written certification to demonstrate compliance with b.iv.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Amanda Conner, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2521; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Frank Harris, Mayor, City of Huntington, P.O. Box 349, Huntington, Texas 75949-0349

Bill Stewart, City Administrator, City of Huntington, P.O. Box 349, Huntington, Texas 75949-0349

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	7-Dec-2020	Screening	9-Dec-2020	EPA Due	31-Dec-2020
	PCW	21-Dec-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Huntington (PCW No. 1)
Reg. Ent. Ref. No.	RN101184638
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60146	No. of Violations	2
Docket No.	2020-1548-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amanda Conner
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,200
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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	72.0% Adjustment	Subtotals 2, 3, & 7	\$864
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Notes: Enhancement for five NOV's with the same/similar violations, one NOV with a dissimilar violation, one agreed order containing a denial of liability, and one agreed order 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: \$1,652
 Estimated Cost of Compliance: \$1,520
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,064
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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	\$2,064
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,064
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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	\$2,064
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Screening Date 9-Dec-2020

Docket No. 2020-1548-PWS-E

PCW

Respondent City of Huntington (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60146

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101184638

Media Public Water Supply

Enf. Coordinator Amanda Conner

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>)	5	25%
	Other written NOVs	1	2%
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	1	25%
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) 72%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same/similar violations, one NOV with a dissimilar violation, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 72%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 72%

Screening Date 9-Dec-2020

Docket No. 2020-1548-PWS-E

PCW

Respondent City of Huntington (PCW No. 1)

Policy Revision 4 (April 2014)

Case ID No. 60146

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101184638

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

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

Violation Description Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2018 through December 31, 2018 and January 1, 2019 through June 30, 2019 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (30.0%). Includes 'OR' label.

>> Programmatic Matrix

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

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

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 Number of violation days 364

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

Violation Base Penalty \$600

Two single events are recommended, one for each monitoring period.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,304

Violation Final Penalty Total \$1,032

This violation Final Assessed Penalty (adjusted for limits) \$1,032

Economic Benefit Worksheet

Respondent City of Huntington (PCW No. 1)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, is assessed in the Economic Benefit Worksheet for Violation No. 1 on PCW No. 2.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$600	31-Dec-2018	9-Dec-2020	1.94	\$60	\$600	\$660
Other (as needed)	\$600	30-Jun-2019	9-Dec-2020	1.45	\$44	\$600	\$644

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x 20 required samples x one monitoring period), calculated from the due date for each monitoring period to the date of screening.

Approx. Cost of Compliance

\$1,200

TOTAL

\$1,304

Screening Date 9-Dec-2020
Respondent City of Huntington (PCW No. 1)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Enf. Coordinator Amanda Conner

Docket No. 2020-1548-PWS-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.117(n)

Violation Description

Failed to comply with the additional sampling requirements as required by the Executive Director to ensure that minimal levels of corrosion are maintained in the distribution system. Specifically, a letter dated August 7, 2017 required water quality parameter sampling to be conducted at the Facility's entry point and the required distribution sample sites for the July 1, 2018 through December 31, 2018 and January 1, 2019 through June 30, 2019 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to comply with the additional sampling requirements could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$700

\$300

Violation Events

Number of Violation Events 2 708 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$600

Two single events are recommended (one for each monitoring period).

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 \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$348

Violation Final Penalty Total \$1,032

This violation Final Assessed Penalty (adjusted for limits) \$1,032

Economic Benefit Worksheet

Respondent City of Huntington (PCW No. 1)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$160	31-Dec-2018	9-Dec-2020	1.94	\$16	\$160	\$176
Other (as needed)	\$160	30-Jun-2019	9-Dec-2020	1.45	\$12	\$160	\$172

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to collect all required water quality parameter samples
 [\$20 per sample x two missed samples x (two entry points + two distribution sites) x one monitoring
 period], calculated from the last day of the monitoring periods of non-compliance to the date of screening.

Approx. Cost of Compliance

\$320

TOTAL

\$348



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	7-Dec-2020			
	PCW	21-Dec-2020	Screening	9-Dec-2020	EPA Due 31-Dec-2020

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Huntington (PCW No. 2)
Reg. Ent. Ref. No.	RN101184638
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	60146	No. of Violations	4
Docket No.	2020-1548-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Amanda Conner
		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	\$9,750
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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	72.0% Adjustment	Subtotals 2, 3, & 7	\$7,020
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Notes: Enhancement for five NOV's with the same/similar violations, one NOV with a dissimilar violation, one agreed order containing a denial of liability, and one agreed order 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: \$1,455
 Estimated Cost of Compliance: \$1,715
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,770
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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	\$16,770
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,770
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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	\$16,770
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Screening Date 9-Dec-2020

Docket No. 2020-1548-PWS-E

PCW

Respondent City of Huntington (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 60146

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101184638

Media Public Water Supply

Enf. Coordinator Amanda Conner

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>)	5	25%
	Other written NOVs	1	2%
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	1	25%
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) 72%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for five NOVs with the same/similar violations, one NOV with a dissimilar violation, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 72%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 72%

Screening Date 9-Dec-2020

Docket No. 2020-1548-PWS-E

PCW

Respondent City of Huntington (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 60146

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN101184638

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

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

Violation Description Failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2019 through December 31, 2019 and January 1, 2020 through June 30, 2020 monitoring periods.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 2 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Two single events are recommended, one for each monitoring period.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,245

Violation Final Penalty Total \$5,160

This violation Final Assessed Penalty (adjusted for limits) \$5,160

Economic Benefit Worksheet

Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
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	16-Nov-2020	18-Sep-2021	0.84	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

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	\$600	31-Dec-2019	9-Dec-2020	0.94	\$28	\$600	\$628
Other (as needed)	\$600	30-Jun-2020	9-Dec-2020	0.44	\$13	\$600	\$613

Notes for AVOIDED costs

Each avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x 20 required samples x one monitoring period), calculated from the due date for each monitoring period to the date of screening.

Approx. Cost of Compliance

\$1,300

TOTAL

\$1,245

Screening Date 9-Dec-2020
Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Enf. Coordinator Amanda Conner

Docket No. 2020-1548-PWS-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Failed to comply with the additional sampling requirements as required by the Executive Director to ensure that minimal levels of corrosion are maintained in the distribution system. Specifically, a letter dated August 7, 2017 required water quality parameter sampling to be conducted at the Facility's entry point and the required distribution sample sites for the July 1, 2019 through December 31, 2019 and January 1, 2020 through June 30, 2020 monitoring periods.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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 comply with the additional sampling requirements could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two single events are recommended (one for each monitoring period).

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 Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$160	30-Jun-2020	15-Feb-2022	1.63	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling cost includes the estimated amount to collect all required water quality parameter samples [\$20 per sample x two missed samples x (two entry points + two distribution sites) x one monitoring period], calculated from the last date of the six-month period of non-compliance 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	\$160	31-Dec-2019	9-Dec-2020	0.94	\$8	\$160	\$168
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to collect all required water quality parameter samples [\$20 per sample x two missed samples x (two entry points + two distribution sites) x one monitoring period], calculated from the last day of the monitoring period of non-compliance to the date of screening.

Approx. Cost of Compliance

\$320

TOTAL

\$181

Screening Date 9-Dec-2020
Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Enf. Coordinator Amanda Conner

Docket No. 2020-1548-PWS-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.109(d)(4)(B)

Violation Description
 Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples on May 28, 2020 and August 25, 2020, at least one raw groundwater source Escherichia coli (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected. Specifically raw groundwater source samples were not collected from well no. 2.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to collect raw groundwater source samples could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 2 193 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Two single events are recommended (one for each active well not sampled per positive sample result).

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$27

Violation Final Penalty Total \$5,160

This violation Final Assessed Penalty (adjusted for limits) \$5,160

Economic Benefit Worksheet

Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$25	26-Aug-2020	18-Sep-2021	1.06	\$1	n/a	\$1
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to collect one raw groundwater sample from the unsampled active source, well no. 2 (\$25 per sample x one active source x one monitoring period), calculated from the date the later sample 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	\$25	29-May-2020	9-Dec-2020	0.53	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to collect one raw groundwater sample from the unsampled active source, well no. 2 (\$25 per sample x one active source x one monitoring period), calculated from the date the earlier sample was due to the date of screening.

Approx. Cost of Compliance

\$50

TOTAL

\$27

Screening Date 9-Dec-2020
Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Enf. Coordinator Amanda Conner

Docket No. 2020-1548-PWS-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.115(e)(2)

Violation Description

Failed 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") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 during the third quarter of 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			15.0%
	100% of the rule requirements were not met.				

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 45 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,290

This violation Final Assessed Penalty (adjusted for limits) \$1,290

Economic Benefit Worksheet

Respondent City of Huntington (PCW No. 2)
Case ID No. 60146
Reg. Ent. Reference No. RN101184638
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	25-Oct-2020	18-Sep-2021	0.90	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Record Keeping System delayed cost includes the estimated amount to conduct an operation evaluation and submit an operation evaluation report to the Executive Director, calculated from the due date of the operation evaluation report to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2

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 CN600738157, RN101184638, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600738157, City of Huntington **Classification:** SATISFACTORY **Rating:** 40.40
Regulated Entity: RN101184638, CITY OF HUNTINGTON WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 202 S GIBSON ST HUNTINGTON, TX 75949-9103, ANGELINA COUNTY
TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0030002

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

Date Compliance History Report Prepared: April 08, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 08, 2016 to April 08, 2021

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

Name: Amanda Conner

Phone: (512) 239-2521

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 01/31/2018 ADMINORDER 2016-0139-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: The Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE §290.115(f)(1) and TEX. HEALTH & SAFETY CODE §341.0315(c).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: The Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE §290.115(f)(1) and TEX. HEALTH & SAFETY CODE §341.0315(c).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: HAA5/TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.065 mg/L at 770 FM 2109 (DBP2-01) and the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.121 mg/L at 770 FM 2109 (DBP2-01).
- 2 Effective Date: 06/02/2020 ADMINORDER 2019-0927-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2B TWC Chapter 11, SubChapter A 11.1272(c)

30 TAC Chapter 288, SubChapter B 288.20(c)

30 TAC Chapter 288, SubChapter C 288.30(5)(B)

Description: Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier,

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to obtain a sanitary control easement for all land within 150 feet of the Facility's Well No. 2

Classification: Minor

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

Description: Failed to maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency

Classification: Minor

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

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

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

Description: Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request

Classification: Minor

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements

Classification: Major

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

5A THSC Chapter 341, SubChapter A 341.033(a)

Description: Failed to operate the production, treatment, and distribution facilities at the public water system at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Executive Director

Classification: Minor

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

Description: Failed to ensure that all electrical wiring is securely installed in compliance with a local or national electrical code,

Classification: Minor

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

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks

Classification: Minor

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the Facility and its equipment.

Classification: Minor

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

Description: Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage which is readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency,

Classification: Minor

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

Description: Failed to properly house the gas chlorine cylinders so that they are protected from adverse weather conditions and vandalism

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to provide a well casing vent that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well

Classification: Minor

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

Description: Failed to ensure all overflows are not subject to submergence

Classification: Minor

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

Description: Failed to calibrate the Facility's three well meters at least once every three years

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide two or more wells having a total capacity of 0.6 gallon per minute ("gpm") per connection,
in .

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: 05/14/2020 (1645919)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure by the City of Huntington to maintain all distribution lines in a watertight condition.
- 2 Date: 08/21/2020 (1691845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RT MR 1st 6M2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2020 to 06/30/2020 within the required timeline.
- 3 Date: 09/11/2020 (1691845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 05/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
- 4 Date: 10/08/2020 (1691845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
Description: LCR WQP MR 1st 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2020 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), and 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003) and the distribution system.
- 5 Date: 11/10/2020 (1691845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 3Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 151 CR 291 (DBP2-01) within the required timeline.
- 6 Date: 11/20/2020 (1691845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 08/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

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

- 5* Date: 09/18/2019 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution
 lead and copper levels to the TCEQ for the routine six-month monitoring period
 from 01/01/2019 to 06/30/2019 within the required timeline.
- 6* Date: 03/09/2020 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(3)
 Description: LCR WQP MR 2nd 6M2019 - The system failed to monitor for water quality
 parameters in accordance with TCEQ rules two times during the 2nd 6M2019 at
 entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), 1950 Old Homer Alto
 RD/Fuller Springs PL (PBCU003), and the distribution system.
- 7* Date: 03/13/2020 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RT MR 2nd 6M2019 - The system failed to monitor and/or report distribution
 lead and copper levels to the TCEQ for the routine six-month monitoring period
 from 07/01/2019 to 12/31/2019 within the required timeline.
- 8* Date: 05/14/2020 (1645919)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure by the City of Huntington to maintain all distribution lines in a watertight
 condition.
- 9* Date: 08/21/2020 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RT MR 1st 6M2020 - The system failed to monitor and/or report distribution
 lead and copper levels to the TCEQ for the routine six-month monitoring period
 from 01/01/2020 to 06/30/2020 within the required timeline.
- 10 Date: 09/11/2020 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
 Description: GWR Triggered Source MR Violation 05/2020 - Failure to collect and/or report
 triggered source monitoring sample(s) following a coliform found result within the
 required timeline.
- 11 Date: 10/08/2020 (1691845)
Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(3)

Description: LCR WQP MR 1st 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2020 at entry point location 1211 N 8TH ST/ 2109 Plant (PBCU002), and 1950 Old Homer Alto RD/Fuller Springs PL (PBCU003) and the distribution system.

12 Date: 11/10/2020 (1691845)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)

Description: DBP2 TTHM OEL Reporting 3Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 151 CR 291 (DBP2-01) within the required timeline.

13 Date: 11/20/2020 (1691845)

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

Description: GWR Triggered Source MR Violation 08/2020 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

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

Appendix B

All Investigations Conducted During Component Period April 08, 2016 and April 08, 2021

Item 1	December 02, 2016**	(1365339) For Informational Purposes Only
Item 2	June 27, 2017**	(1416295) For Informational Purposes Only
Item 3	June 24, 2019**	(1557844) For Informational Purposes Only
Item 4	November 30, 2020	(1691845) For Informational Purposes Only
Item 5	December 04, 2020	(1692313) 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 HUNTINGTON
RN101184638**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1548-PWS-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 Huntington (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 at 202 South Gibson Street in Huntington, Angelina County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,316 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on November 16, 2020 through December 4, 2020, an investigator documented that:
 - a. The Respondent did not collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, and January 1, 2020 through June 30, 2020 monitoring periods.

- b. A letter dated August 7, 2017 required water quality parameter sampling to be conducted at the Facility's entry point and required distribution sample sites for the July 1, 2018 through December 31, 2018, January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, and January 1, 2020 through June 30, 2020 monitoring periods.
- c. The Respondent did not collect, within 24 hours of notification of the routine distribution total coliform-positive samples on May 28, 2020 and August 25, 2020, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected. Specifically, raw groundwater source samples were not collected from well no. 2.
- d. The Respondent did not 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") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 during the third quarter of 2020.

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 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to comply with the additional sampling requirements as required by the Executive Director to ensure that minimal levels of corrosion are maintained in the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.117(n).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive samples, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(4)(B).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed 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 cause an exceedance of the operational evaluation level for TTHM for DBP2, in violation of 30 TEX. ADMIN. CODE § 290.115(e)(2).

6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), 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.
7. An administrative penalty in the amount of \$18,834 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). The Respondent paid \$529 of the penalty. The remaining amount of \$18,305 shall be paid in 35 monthly payments of \$523 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

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. 7 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 Huntington, Docket No. 2020-1548-PWS-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 undertake the following technical requirements:
 - a. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period¹ and

¹ "First six-month monitoring period" refers to the January 1 through June 30 or July 1 through December 31 monitoring period that begins immediately after the effective date of this Order.

ensure that the samples are analyzed and the results are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.117.

- b. Within 30 days after the effective date of this Order:
- i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - ii. Collect one groundwater source *Escherichia coli* sample from well no. 2, in accordance with 30 TEX. ADMIN. CODE § 290.109;
 - iii. Conduct an operation evaluation and submit an operation evaluation report to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.115. The operation evaluation report shall be submitted to:

Drinking Water Standards Section
Water Supply Division, MC 155 (Attn: DBP)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - iv. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period.
- c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.i through 2.b.iii.
- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- e. Within 225 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. 2.b.iv. 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:

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

All relief not expressly granted in this Order is denied.

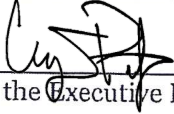
3. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. The Executive Director may grant an extension 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

12/13/2021

For the Executive Director

Date

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

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

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

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

• Frank Harris
Signature

10-13-21
Date

Frank Harris
Name (Printed or typed)
Authorized Representative of
City of Huntington

Mayor of Huntington
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.