

City of Alto

RN101178614

Docket No. 2021-0142-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five-year period for the same violations.

Media:

PWS

Small Business:

N/A

Location Where Violations Occurred:

404 West San Anotnio Road, Alto, Cherokee County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	Yes, 2024-1120-MWD-E
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date:

March 27, 2026

Comments Received:

None

Penalty Information

Total Penalty Assessed:	\$3,937
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Total Paid to General Revenue:	\$0
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Total Due to General Revenue:	\$0
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Supplemental Environmental Project

(“SEP”) Conditional Offset:	\$3,937
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Name of SEP: Booster Pump Improvement

Compliance History Classifications:

Person/CN – Satisfactory

Site/RN – N/A

Major Source:

No

Statutory Limit Adjustment:

None

Applicable Penalty Policy:

April 2014

Investigation Information

Complaint Date:	N/A
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Dates of Investigation:	December 21, 2020 through January 8, 2021
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Dates of NOVs:	July 2, 2020; September 30, 2020; October 16, 2020; December 17, 2020; and December 21, 2020
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Date of NOE:	January 8, 2021
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City of Alto
RN101178614
Docket No. 2021-0142-PWS-E

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the second quarter of 2019 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility, and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2018 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2019 through the third quarter of 2020 [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
4. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2020, monitoring period [30 TEX. ADMIN. CODE §§ 290.117(c)(2)(B), (h), and (i)(1)].
5. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2019 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
6. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2017 through December 31, 2019, monitoring period [30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C), (h), and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
 - b. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers;
 - c. 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; and
 - d. 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.

City of Alto

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2. Within 45 days:
 - a. Submit written certification and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.; and
 - b. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
3. Within 60 days submit written certification and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Technical Requirement No. 2.b.
4. Within 90 days begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter.
5. Within 195 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 4.
6. Within 410 days submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 1.d.

Litigation Information

Date Petitions Filed: December 11, 2024

Date of Service: December 16, 2024

Settlement Date: February 20, 2026

Contact Information

TCEQ Attorneys: David Keagle, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ SEP Coordinator: Adena Crider, Litigation Division, (512) 239-0648

TCEQ Enforcement Coordinator: Daphne Greene, Enforcement Division, (903) 535-5157

TCEQ Regional Contact: Ross Morgan, Tyler Regional Office, (903) 535-5100

Respondent Contact: Jimmy Allen, Mayor, City of Alto, P.O. Box 447, Alto, Texas 75925

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	11-Jan-2021	Screening	15-Jan-2021	EPA Due	31-Dec-2020
	PCW	15-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Alto (PCW No. 1)
Reg. Ent. Ref. No.	RN101178614
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60292	No. of Violations	2
Docket No.	2021-0142-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Duncan
		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	\$150
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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	25.0% Adjustment	Subtotals 2, 3, & 7	\$37
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Notes: Enhancement for five NOVs with the same/similar violations.

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: \$469
 Estimated Cost of Compliance: \$573
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$187
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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	\$187
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$187
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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	\$187
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Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

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

Adjustment Percentage (Subtotal 2) 25%

>> **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.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 25%

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the second quarter of 2019.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Two single events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 Alto (PCW No. 1)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
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	\$45	21-Dec-2020	7-Dec-2021	0.96	\$2	n/a	\$2
Training/Sampling	\$100	21-Dec-2020	7-Dec-2021	0.96	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The record keeping system and training/sampling delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, 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	\$44	10-Apr-2019	15-Jan-2021	1.77	\$4	\$44	\$48
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x two reports), calculated from the due date of the earliest report to the screening date.

Approx. Cost of Compliance \$189

TOTAL \$55

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)			
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2018.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events: 1 365 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 \$414

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet

Respondent City of Alto (PCW No. 1)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
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	\$384	1-Jul-2019	15-Jan-2021	1.55	\$30	\$384	\$414
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The delayed cost includes the estimated amount to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 668 connections) + \$50) x one year), calculated from the due date of the 2018 CCR to the due date of the screening date.						

Approx. Cost of Compliance \$384

TOTAL \$414



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	11-Jan-2021	Screening	15-Jan-2021	EPA Due	31-Dec-2020
	PCW	15-Jan-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Alto (PCW No. 2)
Reg. Ent. Ref. No.	RN101178614
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60292	No. of Violations	4
Docket No.	2021-0142-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Duncan
		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	\$3,000
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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	25.0% Adjustment	Subtotals 2, 3, & 7	\$750
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Notes: Enhancement for five NOVs with the same/similar violations.

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: \$780
 Estimated Cost of Compliance: #NAME?
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,750
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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	\$3,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,750
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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	\$3,750
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Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

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

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for five NOVs with the same/similar violations.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2019 through the third quarter of 2020.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

100% of the rule requirements were not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Five single events are recommended.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<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 Alto (PCW No. 2)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
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 record keeping system and training/sampling delayed costs to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner are captured in the Economic Benefit Worksheet for Violation No. 1 on PCW No. 1.

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	\$113	10-Oct-2020	15-Jan-2021	0.27	\$1	\$113	\$114
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The avoided cost includes the estimated amount to prepare and submit a DLQOR [(\$22 per DLQOR x five reports) + \$3 accrued interest that began accruing from the date of the earliest monitoring period], calculated from the due date of the last monitoring period to the screening date.

Approx. Cost of Compliance \$113

TOTAL \$114

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(c)(2)(B), (h), and (i)(1)			
Violation Description	Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to 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 \$4,250

\$750

Violation Events

Number of Violation Events: 1 366 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 \$325

Violation Final Penalty Total \$938

This violation Final Assessed Penalty (adjusted for limits) \$938

Economic Benefit Worksheet

Respondent City of Alto (PCW No. 2)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
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	\$100	21-Dec-2020	8-Oct-2022	1.80	\$9	n/a	\$9
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure 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	\$300	31-Dec-2019	15-Jan-2021	1.04	\$16	\$300	\$316
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The ONE-TIME avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x ten required samples x one monitoring period), calculated from the last date of the monitoring period to the screening date.

Approx. Cost of Compliance \$400

TOTAL \$325

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)			
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 1 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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 \$250

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

Estimated EB Amount \$25 **Violation Final Penalty Total** \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent City of Alto (PCW No. 2)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
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
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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)	\$384	1-Jul-2020	23-Oct-2021	1.31	\$25	n/a	\$25

Notes for DELAYED costs
 The delayed cost includes the estimated amount to prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 668 connections) + \$50) x one year), calculated from the due date of the 2019 CCR 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 \$384

TOTAL \$25

Screening Date	15-Jan-2021	Docket No.	2021-0142-PWS-E	PCW
Respondent	City of Alto (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	60292			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101178614			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

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 Alto (PCW No. 2)
Case ID No. 60292
Reg. Ent. Reference No. RN101178614
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

The 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 captured in the Economic Benefit Worksheet for Violation No. 2 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	\$300	31-Dec-2019	15-Jan-2021	1.04	\$16	\$300	\$316
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The ONE-TIME avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x ten required samples x one monitoring period), calculated from the last date of the monitoring period to the screening date.

Approx. Cost of Compliance

\$300

TOTAL

\$316

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 CN600626428, RN101178614, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600626428, City of Alto **Classification:** SATISFACTORY **Rating:** 15.43
Regulated Entity: RN101178614, CITY OF ALTO **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 404 West San Antonio Road in Alto, Cherokee County, Texas
TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0370001

AIR NEW SOURCE PERMITS ACCOUNT NUMBER CJ0047B

WATER LICENSING LICENSE 0370001

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

Date Compliance History Report Prepared: May 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 24, 2016 to May 24, 2021

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

Name: Samantha Duncan

Phone: (512) 239-2511

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2 May 05, 2020 (1644526)

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: 07/02/2020 (1698373)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2020 within the required timeline.

- 2 Date: 09/30/2020 (1698373)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2020 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the second quarter of 2020 within the
 required timeline.
- 3 Date: 10/16/2020 (1698373)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2019 - The system failed to provide the Consumer Confidence Report (CCR)
 for 2019 to its bill-paying customers and/or the TCEQ by July 1st of the following
 year.
- 4 Date: 12/17/2020 (1698373)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2020 - The system failed to monitor and/or report distribution
 disinfectant residuals to the TCEQ for the third quarter of 2020 within the
 required timeline.
- 5 Date: 12/21/2020 (1698373)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.117(h)
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
 Description: LCR RD MR YR2020 - The system failed to monitor and/or report distribution lead
 and copper levels to the TCEQ for the annual reduced monitoring period from
 01/01/2020 to 12/31/2020 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

Component Appendices

Appendix A

All NOV's Issued During Component Period 5/24/2016 and 5/24/2021

1	Date:	11/30/2017	(1408584)	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)			
	Description:	Failure to maintain the public water system's operating records.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	Failure to maintain an intruder resistant fence.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)			
	Description:	Failure to monitor for microbial contaminants according to the monitoring plan.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(j)			
	Description:	Failure to provide an adequate customer service inspection program.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)			
	Description:	Failure to have a chlorination room vent fan.			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)			
	Description:	Failure to maintain an aerator.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(8)			
	Description:	Failure to maintain storage tanks in according with AWWA standards.			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)			
	Description:	Failure to repair various leaking appurtenances.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)			
	Description:	Failure to maintain and screen a storage tank roof vent.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)			
	Description:	Failure to conduct annual backflow prevention assembly test reports.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)			
	Description:	Failure to have the casing vent pointing down and screened.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)			
	Description:	Failure to ensure that wiring meets electrical code.			
				Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)			
	Description:	Failure to overflow flow with no more than 1/16" gap.			
				Classification:	Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have an up-to-date customer service agreement.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi)

Description: Failure to maintain records which demonstrate whether special precautions were required for line repairs, and if so, what precautions were taken.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have an adequate overflow flap.

2

Date: 03/22/2019 (1551131)
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to provide an adequate customer service inspection program.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have a chlorination room vent fan.
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain an aerator.

Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to maintain storage tanks in according with AWWA standards.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to maintain and screen a storage tank roof vent.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have an up-to-date customer service agreement.
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi)

Description: Failure to maintain records which demonstrate whether special precautions were required for line repairs, and if so, what precautions were taken.
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to have an adequate overflow flap.
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain adequate residual disinfectant concentration.
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)

Description: Failure to provide an applicable backflow prevention assembly.

- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
- Description: Failure to have an annual backflow prevention assembly test reports.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.121
- Description: Failure to develop and maintain an up-to-date system monitoring plan.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vii)
- Description: Failure to maintain a part-time operators log.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
- Description: Failure to check the calibration of well meters.
Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
- Description: Failure to repair leaking service pumps.
- 3 Date: 06/24/2019 (1698373) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 1Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2019 within the required timeline.
- 4* Date: 09/30/2019 (1698373) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 2Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2019 within the required timeline.
- 5* Date: 10/11/2019 (1698373) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
- Description: CCR 2018 - The system failed to provide the Consumer Confidence Report (CCR) for 2018 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 6* Date: 01/15/2020 (1698373) Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 3Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2019 within the required timeline.

- 7* Date: 02/24/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2019 within the required timeline.
- 8* Date: 03/13/2020 (1698373) 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 3Y2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2017 to 12/31/2019 within the required timeline.
- 9* Date: 07/02/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2020 within the required timeline.
- 10 Date: 09/30/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2020 within the required timeline.
- 11 Date: 10/16/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2019 - The system failed to provide the Consumer Confidence Report (CCR) for 2019 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 12 Date: 12/17/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2020 within the required timeline.
- 13 Date: 12/21/2020 (1698373) Classification: Moderate
 Self Report? NO For Informational Purposes Only
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)
 30 TAC Chapter 290, SubChapter F 290.117(h)

Description: 30 TAC Chapter 290, SubChapter F 290.117(i)(1)
LCR RD MR YR2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2020 to 12/31/2020 within the required timeline.

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

Appendix B

All Investigations Conducted During Component Period May 24, 2016 and May 24, 2021

Item 1	November 27, 2017**	(1408584) For Informational Purposes Only
Item 2	March 20, 2019**	(1551131) For Informational Purposes Only
Item 3	January 06, 2021	(1698373) For Informational Purposes Only
Item 4	January 08, 2021	(1698555) 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 ALTO;
RN101178614

§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2021-0142-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Alto ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at 404 West San Antonio Rd. in Alto, Cherokee County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 668 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38.
2. During a record review conducted on December 21, 2020 through January 8, 2021, an investigator documented that Respondent:
 - a. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the second quarter of 2019;
 - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2018;
 - c. Failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2019 through the third quarter of 2020;

- d. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period;
- e. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2019; and
- f. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the second quarter of 2019, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility, and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2018, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the third quarter of 2019 through the third quarter of 2020, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(B), (h), and (i)(1).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2019, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.117(c)(2)(C), (h), and (i)(1).
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of \$3,937 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). Pursuant to TEX. WATER CODE § 7.067, \$3,937 of the penalty shall be conditionally offset by Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the SEP Agreement ("Attachment A" - incorporated herein by reference). 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 any payment schedule and the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: City of Alto, Docket No. 2021-0142-PWS-E to:

Financial Administration Division
Revenue Operations Section
Attention Cashier's Office, MC 214
P.O. Box 13088
Austintn, Texas 78711-3088

2. Respondent shall implement and complete a SEP as set forth in Conclusion of Law No. 9. The amount of \$3,937 is conditionally offset based on Respondent's implementation and completion of a SEP pursuant to the terms and conditions contained in 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. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - ii. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274;
 - iii. 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; and

- 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.
- b. Within 45 days after the effective date of this Order:
 - i. Submit written certification as described in Ordering Provision No. 2.f. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.
- d. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- e. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 410 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.a.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:

Enforcement 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

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. 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.

11. 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



4/13/26

For the Executive Director


Date

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

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

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

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



Signature - Jimmy Allen, Mayor
City of Alto
P.O. Box 447
Alto, Texas 75925

2/20/26
Date

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

ATTACHMENT A
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Attachment A

Docket Number: 2021-0142-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Alto
Penalty Amount:	\$3,937
SEP Offset Amount:	\$3,937
Type of SEP:	Compliance
Project Name:	<i>Booster Pump Improvement</i>
Location of SEP:	Cherokee County

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

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

1. Project Description

A. Project

Respondent shall hire a contractor to replace the variable frequency drive (“VFD”) controlled booster pump at its standpipe site at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for a replacement booster pump (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below 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 Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including 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 ensure continued delivery of safe drinking water. Booster pumps help maintain consistent water pressure while minimizing system stress, potential line breaks, and inadequate disinfection. Reliable water pressure supports the delivery of safe drinking water to the public that is necessary for human health and household sanitation.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A 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. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

Estimated Cost Schedule

Item	Total
Replacement VFD Controlled Booster Pump	\$13,000
Total	\$13,000

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.

Executive Director (“ED”) staff may grant an extension to any deadline for Respondent’s performance of the SEP described herein, upon a written and substantiated showing of good cause. All requests for extensions must be made by Respondent and shall be made in writing to ED staff. Extensions are not effective until Respondent receives written approval from ED staff. The determination of what constitutes good cause rests solely with ED staff. Extension requests shall be sent to the SEP Coordinator by first class mail or electronic mail, at:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087
Email: sepreports@tceq.texas.gov

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 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 above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:

Reporting Schedule

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

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 TCEQ, which shall include the following:

1. An 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. A detailed map showing the specific location of the project site(s);
7. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
8. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Submittals

Respondent shall submit all SEP reports and any additional information as requested to the SEP Coordinator at the address provided above.

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 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 above in Sections 2 through 4, the 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 the SEP Coordinator at the address provided above.

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 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 TCEQ or any other agency of the state or federal government.