

Executive Summary – Enforcement Matter – Case No. 60939
City of Dell City
RN101210409
Docket No. 2021-0824-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 Dell City PWS, 102 Dodson Street, Dell City, Hudspeth 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: April 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,120

Total Paid to General Revenue: \$340

Total Due to General Revenue: \$10,780

Payment Plan: 35 payments of \$308 each

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 7, 2021 through June 18, 2021

Date(s) of NOE(s): June 18, 2021

Executive Summary – Enforcement Matter – Case No. 60939
City of Dell City
RN101210409
Docket No. 2021-0824-PWS-E

Violation Information

1. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
3. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
4. 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 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

- 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;
- 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;

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iii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through June 30, 2018 and July 1, 2019 through December 31, 2019 monitoring periods. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements;

iv. 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; and

v. 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.

b. Within 45 days:

i. Submit to the Commission a copy of the CCR provided to customers and the certification that the CCR has been provided to the customers and that the information in the CCR is correct and consistent with the compliance monitoring data;

ii. Submit written certification to demonstrate compliance with a.i. through a.iv.

c. Within 60 days, submit written certification to demonstrate compliance with b.i.

d. Within 90 days, begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter. The provision will be satisfied upon one quarter of compliant reporting.

e. Within 195 days, submit written certification to demonstrate compliance with d.

f. Within 225 days, submit written certification to demonstrate compliance with a.v.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ecko Beggs, Enforcement Division, Enforcement Team 2, MC R-06, (915) 834-4968; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Patricia Duran, Mayor Pro Tem, City of Dell City, P.O. Box 125, Dell City, Texas 79837-0125

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021			
	PCW	24-Jun-2021	Screening	22-Jun-2021	EPA Due 30-Sep-2020

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Dell City (PCW No. 1)
Reg. Ent. Ref. No.	RN101210409
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60939	No. of Violations	4
Docket No.	2021-0824-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ecko Beggs
		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	\$700
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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	60.0%	Adjustment	Subtotals 2, 3, & 7	\$420
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Notes: Enhancement for three NOVs with the same/similar violations, 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: \$900
 Estimated Cost of Compliance: \$1,090
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,120
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,120
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,120
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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	\$1,120
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Screening Date 22-Jun-2021

Docket No. 2021-0824-PWS-E

PCW

Respondent City of Dell City (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60939

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101210409

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 60%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations, 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) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date 22-Jun-2021
Respondent City of Dell City (PCW No. 1)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Docket No. 2021-0824-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

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 and second quarters of 2019.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 804 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are 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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$320

This violation Final Assessed Penalty (adjusted for limits) \$320

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 1)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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	7-Jun-2021	3-May-2022	0.90	\$2	n/a	\$2
Training/Sampling	\$100	7-Jun-2021	3-May-2022	0.90	\$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 amounts 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	\$22	10-Apr-2019	22-Jun-2021	2.20	\$2	\$22	\$24
Other (as needed)	\$22	10-Jul-2019	22-Jun-2021	1.95	\$2	\$22	\$24

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

Approx. Cost of Compliance \$189

TOTAL \$55

Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 2
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 ten 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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	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 \$850

\$150

Violation Events

Number of Violation Events 2 364 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Two single events are 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 \$300

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$674	Violation Final Penalty Total \$480
This violation Final Assessed Penalty (adjusted for limits) \$480	

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 1)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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	7-Jun-2021	3-May-2022	0.90	\$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 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	30-Jun-2019	22-Jun-2021	1.98	\$30	\$300	\$330
Other (as needed)	\$300	31-Dec-2018	22-Jun-2021	2.48	\$39	\$300	\$339

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 ten required samples x one monitoring period each), calculated from the final date of each monitoring period to the screening date.

Approx. Cost of Compliance \$700

TOTAL \$674

Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

996 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$160

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

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 1)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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)	\$55	30-Sep-2018	3-May-2022	3.59	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2018 through June 30, 2018 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x ten sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$55

TOTAL \$10

Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 4
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 the calendar year 2018.

Base Penalty \$1,000

>> 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			10.0%
100% of the rule requirements were not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 722 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 \$100

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

Estimated EB Amount \$161 **Violation Final Penalty Total** \$160

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

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 1)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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 prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ is captured in the Economic Benefit Worksheet of Penalty Calculation Worksheet No. 2, Violation No. 4.

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	\$146	1-Jul-2019	22-Jun-2021	1.98	\$15	\$146	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs The ONE-TIME avoided 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 193 connection) + \$50) x one year)], calculated from the due date of the 2018 CCR to the date of screening.

Approx. Cost of Compliance \$146

TOTAL \$161



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Jun-2021	Screening	22-Jun-2021	EPA Due	30-Sep-2020
	PCW	24-Jun-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Dell City (PCW No. 2)
Reg. Ent. Ref. No.	RN101210409
Facility/Site Region	6-El Paso
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60939	No. of Violations	4
Docket No.	2021-0824-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ecko Beggs
		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	\$6,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0%	Adjustment	Subtotals 2, 3, & 7	\$3,750
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Notes: Enhancement for three NOV's with the same/similar violations, 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: \$843
 Estimated Cost of Compliance: \$1,003
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,000
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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	\$10,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,000
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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	\$10,000
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Screening Date 22-Jun-2021

Docket No. 2021-0824-PWS-E

PCW

Respondent City of Dell City (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 60939

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101210409

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 60%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations, 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) 60%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 60%

Screening Date	22-Jun-2021	Docket No.	2021-0824-PWS-E	PCW
Respondent	City of Dell City (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	60939			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101210409			
Media	Public Water Supply			
Enf. Coordinator	Ecko Beggs			
Violation Number	1			
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 fourth quarter of 2020.			
		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 10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events: 6 549 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Six single events are 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 \$3,000

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

Estimated EB Amount \$139 **Violation Final Penalty Total** \$4,800

This violation Final Assessed Penalty (adjusted for limits) \$4,800

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 2)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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 update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner is captured in the Economic Benefit Worksheet of Penalty Calculation Worksheet No. 1, Violation 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	\$136	10-Jan-2021	22-Jun-2021	0.45	\$3	\$136	\$139
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 six reports) and accrued interest, calculated from the date the last report was due to the date of screening.

Approx. Cost of Compliance

	\$136
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TOTAL

	\$139
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Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number

Rule Cite(s)

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 July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, and July 1, 2020 through December 31, 2020 monitoring periods. Specifically, the Respondent collected only eight of the required ten samples during the July 1, 2019 through December 31, 2019 monitoring period and did not collect any of the required samples during the January 1, 2020 through June 30, 2020 and July 1, 2020 through December 31, 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="15.0%"/>
	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

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 Dell City (PCW No. 2)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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				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 Economic Benefit Worksheet for Penalty Calculation Worksheet No. 1, Violation 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	\$607	31-Dec-2020	22-Jun-2021	0.47	\$14	\$607	\$621
Other (as needed)	\$60	31-Dec-2019	22-Jun-2021	1.48	\$4	\$60	\$64

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 two monitoring periods) and associated interest, calculated from the due date of the last monitoring period to the screening date.

The Other (as needed) avoided cost includes the estimated amount to collect and have analyzed the required lead and copper samples (\$30 per sample x two missed samples x one monitoring period), calculated from the final date for the July 1, 2019 through December 31, 2019 monitoring period to the screening date.

Approx. Cost of Compliance

	\$667
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TOTAL

	\$685
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Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j)
Violation Description Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2019 through December 31, 2019 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 448 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

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

Estimated EB Amount \$6 **Violation Final Penalty Total** \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 2)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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				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)	\$54	31-Mar-2020	3-May-2022	2.09	\$6	n/a	\$6

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the July 1, 2019 through December 31, 2019 monitoring period to persons served at the locations which were sampled and to the TCEQ [(((\$0.50 x eight sampled locations) + \$50) x one monitoring period], calculated from the date the consumer notification was due to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$54

TOTAL \$6

Screening Date 22-Jun-2021 **Docket No.** 2021-0824-PWS-E **PCW**
Respondent City of Dell City (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 60939 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101210409
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Violation Number 4

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 the calendar year 2019.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 356 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$500

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

Estimated EB Amount \$13 **Violation Final Penalty Total** \$800

This violation Final Assessed Penalty (adjusted for limits) \$800

Economic Benefit Worksheet

Respondent City of Dell City (PCW No. 2)
Case ID No. 60939
Reg. Ent. Reference No. RN101210409
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				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)	\$146	1-Jul-2020	3-May-2022	1.84	\$13	n/a	\$13

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 193 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

\$146

TOTAL

\$13

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 CN600653703, RN101210409, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600653703, City of Dell City **Classification:** UNCLASSIFIED **Rating:** -----
Regulated Entity: RN101210409, CITY OF DELL **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 102 DODSON STREET IN DELL CITY, HUDSPETH COUNTY, TEXAS
TCEQ Region: REGION 06 - EL PASO
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1150001

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021
Date Compliance History Report Prepared: October 22, 2021
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: October 22, 2016 to October 22, 2021

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

Name: Ecko Beggs

Phone: (915) 834-4968

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 11/15/2017 ADMINORDER 2017-0101-PWS-E (Findings Order-Agreed Order Without Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2015 within the required timeline.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2015 within the required timeline.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2015 within the required timeline.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2015 within the required timeline.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 2Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

30 TAC Chapter 290, SubChapter F 290.117(h)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.

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 YR2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2016 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015.

2 Effective Date: 12/15/2020 ADMINORDER 2020-0544-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

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

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of water distributed each week were not available for review.

Classification: Moderate

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

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

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week were not available for review.

Classification: Moderate

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

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

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the dates that dead-end mains were flushed were not available for review.

Classification: Minor

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

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

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of disinfectant residual monitoring results from the distribution system were not available for review.

Classification: Moderate

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

Description: Failure to inspect the Facility's elevated storage tank ("EST") and three ground storage tanks ("GSTs") annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for

as long as the well remains in service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the backflow prevention device programs were not available for review.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of microbiological analyses were not available for review.

Classification: Moderate

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

Description: Failure to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the results of chemical analyses were not available for review.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(vii)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of Consumer Confidence Report ("CCR") compliance documentation were not available for review.

Classification: Moderate

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

Description: Failure to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the Facility's well was surrounded by excess vegetation and scrap metal piping.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)

Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the Facility's chlorinator pump was not in good working condition.

Classification: Moderate

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

Description: Failure to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly ("BPA"), as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, a hose was attached to the Facility's EST without additional protection.

Classification: Moderate

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

Description: Failure to develop and maintain an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 12, 2021 (1711300)

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: 12/17/2020 (1736201)
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.
- 2 Date: 03/19/2021 (1736201)
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 2nd 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 07/01/2020 to 12/31/2020 within the required timeline.
- 3 Date: 04/01/2021 (1736201)
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 4Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 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 NOVs Issued During Component Period 10/22/2016 and 10/22/2021

- 1 Date: 10/31/2016 (1382947) 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)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR YR2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2016 to 12/31/2016 within the required timeline.
- 2 Date: 11/28/2016 (1368742) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.38(37)
Description: Per 30 TAC §290.38(37), the facility failed to maintain in good repair and to prevent intruder passage fence at the well and at the treatment plant. At the time of the investigation it was noted that the barbed wire surrounding the well and the treatment plant was not at a 45 degree angle and in some areas the three strands of barbed wire were completely missing.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Per 30 TAC §290.41(c)(3)(K), the facility failed to completely seal the well casing. At the time of the investigation it was noted that the well was not completely sealed as to minimize the drawing of contaminants into the well.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Per Title 30, Texas Administrative Code (30 TAC) §290.42 (j) the facility failed to conform to the American National Standards Institute/National Sanitation Foundation (ANSI/NSF) for all chemicals used in treatment of water supplied by a public water system. At the time of the investigation the facility was unable to provide certification that the chemicals being used were ANSI/NSF certified or stored in an ANSI/NSF approved container.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)
Description: Per 30 TAC §290.44(h)(4), the facility failed to test and certify that the backflow prevention assembly device installed is operating within specifications at least annually. At the time of the investigation, it was noted that the entity was not conducting backflow prevention assembly tests on annually basis. The last time the backflow prevention had been tested by a certified backflow prevention assembly tester had been on May 8, 2014.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Description: Per Title 30, Texas Administrative Code (30 TAC) §290.46(f)(3)(A) (i)(III) the facility failed to maintain a record of the amount of each chemical used each week. At the time of the investigation the facility had no records of the amount of chemicals being used each week.
Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
Description: Per Title 30, Texas Administrative Code (30 TAC) §290.46 (f)(3)(A)(ii)(III) the facility failed to provide adequate monthly records for the amount of water used and the maximum and average daily usage for the past 12 months. At the time of the investigation the maximum and minimum average had not been done for the past 12 months. Additionally, the records did not indicate what was used for

distribution and what was used for irrigation.

- 3 Date: 12/12/2016 (1382947) 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)(3)
Description: DLQOR MR 3Q2016 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2016 within the required timeline.
- 4 Date: 01/25/2019 (1736201) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 1st 6M2018 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2018 to 06/30/2018.
- 5 Date: 03/08/2019 (1736201) 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 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.
- 6 Date: 06/24/2019 (1736201) 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.
- 7 Date: 09/18/2019 (1736201) 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.
- 8 Date: 09/24/2019 (1736201) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
Description: AUG/2018 RTCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 08/2018.
- 9 Date: 09/30/2019 (1736201) 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.

10 Date: 10/11/2019 (1736201) 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.

11 Date: 10/18/2019 (1592534) Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of water distributed each week were not available for review.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week were not available for review.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the dates that dead-end mains were flushed were not available for review.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of disinfectant residual monitoring results from the distribution system were not available for review.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to inspect the Facility's elevated storage tank ("EST") and three ground storage tanks ("GSTs") annually.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failure to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service.

Classification: Moderate

Self Report? NO For Informational Purposes Only

- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
- Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the backflow prevention device programs were not available for review.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
- Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of microbiological analyses were not available for review.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
- Description: Failure to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ii)
- Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the results of chemical analyses were not available for review.
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(vii)
- Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of Consumer Confidence Report ("CCR") compliance documentation were not available for review.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
- Description: Failure to provide a suitable sampling cock on the discharge pipe of the Facility's well pump prior to any treatment.
- Classification: Minor
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
- Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the Facility's well was surrounded by excess vegetation and scrap metal piping.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
- Description: Failure to maintain all pumps, motors, valves, and other mechanical devices in good working condition. Specifically, the Facility's chlorinator pump was not in good working condition.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
- Description: Failure to ensure additional protection was provided at all residences or establishments where an actual or potential contamination hazard exists in the form of an air gap or backflow prevention assembly ("BPA"), as identified in 30 Tex. Admin. Code § 290.47(f). Specifically, a hose was attached to the Facility's EST without additional protection.
- Classification: Moderate
- Self Report? NO For Informational Purposes Only
- Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to develop and maintain an accurate and up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.

12 Date: 01/15/2020 (1736201) 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.

13 Date: 02/24/2020 (1736201) 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.

14 Date: 03/13/2020 (1736201) 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.

15 Date: 07/02/2020 (1736201) 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.

16 Date: 07/21/2020 (1736201) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN 2nd 6M2019 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2019 to 12/31/2019.

17 Date: 08/21/2020 (1736201) 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.

18* Date: 09/30/2020 (1736201)

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.

19* Date: 10/16/2020 (1736201)

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.

20* Date: 12/17/2020 (1736201) 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.

21* Date: 03/19/2021 (1736201)

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 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 07/01/2020 to 12/31/2020 within the required timeline.

22* Date: 04/01/2021 (1736201)

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 4Q2020 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the fourth quarter of 2020 within the
required timeline.

* NOVs applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

Appendix B

All Investigations Conducted During Component Period October 22, 2016 and October 22, 2021

- (1368742)
Item 1 November 29, 2016** For Informational Purposes Only
- (1382947)
Item 2 December 28, 2016** For Informational Purposes Only
- (1383073)
Item 3 December 30, 2016** For Informational Purposes Only
- (1407348)
Item 4 May 23, 2017** For Informational Purposes Only
- (1592534)

Item 5	October 15, 2019**	For Informational Purposes Only (1640481)
Item 6	April 09, 2020**	For Informational Purposes Only (1711300)
Item 7*	May 12, 2021**	For Informational Purposes Only (1736201)
Item 8	June 17, 2021**	For Informational Purposes Only (1736423)
Item 9	June 18, 2021**	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF DELL CITY
RN101210409**

**§
§
§
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§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0824-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 Dell City (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 102 Dodson Street in Dell City, Hudspeth County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 193 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 June 7, 2021 through June 18, 2021, an investigator documented that:
 - a. The Respondent did not 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 fourth quarter of 2020;
 - b. The Respondent collected only eight of the required ten lead and copper tap samples during the July 1, 2019 through December 31, 2019 monitoring period and did not collect any of the required samples during the July 1, 2018 through

December 31, 2018, January 1, 2019 through June 30, 2019, January 1, 2020 through June 30, 2020, and July 1, 2020 through December 31, 2020 monitoring periods;

- c. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and did not mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 and July 1, 2019 through December 31, 2019 monitoring periods; and
- d. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and did not 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 the calendar years 2018 and 2019.

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 submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, 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, the 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, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with a certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
5. As evidenced by Finding of Fact No. 2.d, the 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 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, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).

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 \$11,120 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 \$340 of the penalty. The remaining amount of \$10,780 shall be paid in 35 monthly payments of \$308 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 even 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 Dell City, Docket No. 2021-0824-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. 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. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through June 30, 2018 and July 1, 2019 through December 31, 2019 monitoring periods. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - iv. 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
 - v. 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 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
 - ii. Submit written certification as described in Ordering Provision No. 2.f below, 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.iv.

- c. Within 60 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.i.
- 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 below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- f. 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.a.v. 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

3. All relief not expressly granted in this Order is denied.
4. 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.
5. 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting,

lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



8/31/2022

For the Executive Director

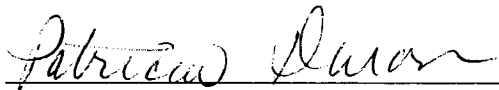
Date

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

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

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

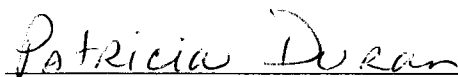
In addition, any falsification of any compliance documents may result in criminal prosecution.



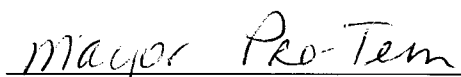
Signature

3/28/22

Date



Name (Printed or typed)



Title

Authorized Representative of
City of Dell City

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.