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
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;
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)**

**DATES**
- Assigned: 21-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**: S-El Paso
- **Major/Minor Source**: Minor

**CASE INFORMATION**
- **Enf./Case ID No.**: 50939
- **Docket No.**: 2021-0824-PWS-E
- **No. of Violations**: 4
- **Order Type**: Findings
- **Government/Non-Profit**
  - **Yes**
- **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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

<table>
<thead>
<tr>
<th>Adjustment</th>
<th>Subtotal 2, 3, &amp; 7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compliance History</strong></td>
<td>60.0% Enhancement</td>
</tr>
<tr>
<td>Notes:</td>
<td>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.</td>
</tr>
</tbody>
</table>

**Culpability**
- **No**: 0.0% Enhancement
  - Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**
- **Subtotal 5**: $0

**Economic Benefit**
- **0.0% Enhancement**
  - **Subtotal 6**: $0
  - **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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**
- **0.0% Adjustment**
  - Notes: 

**Final Penalty Amount**: $1,120

**STATUTORY LIMIT ADJUSTMENT**
- **Final Assessed Penalty**: $1,120

**DEFERRAL**
- **0.0% Reduction**
  - Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**: $1,120
## Compliance History Worksheet

### Compliance History Site Enhancement (Subtotal 2)

<table>
<thead>
<tr>
<th>Component</th>
<th>Number of...</th>
<th>Number</th>
<th>Adjust.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOVs</td>
<td>Written notices of violation (&quot;NOVs&quot;) with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)</td>
<td>3</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>Other written NOVs</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Orders</td>
<td>Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)</td>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Any adjudicated 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</td>
<td>1</td>
<td>25%</td>
</tr>
<tr>
<td>Judgments and Consent Decrees</td>
<td>Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>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</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Convictions</td>
<td>Any criminal convictions of this state or the federal government (number of counts)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Emissions</td>
<td>Chronic excessive emissions events (number of events)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Audits</td>
<td>Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Other</td>
<td>Environmental management systems in place for one year or more</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Voluntary on-site compliance assessments conducted by the executive director under a special assistance program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Participation in a voluntary pollution reduction program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Early compliance with, or offer of a product that meets future state or federal government environmental requirements</td>
<td>No</td>
<td>0%</td>
</tr>
</tbody>
</table>

**Adjustment Percentage (Subtotal 2)** 60%

### Repeat Violator (Subtotal 3)

<table>
<thead>
<tr>
<th></th>
<th>Adjustment Percentage (Subtotal 3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>0%</td>
</tr>
</tbody>
</table>

### Compliance History Person Classification (Subtotal 7)

<table>
<thead>
<tr>
<th></th>
<th>Adjustment Percentage (Subtotal 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unclassified</td>
<td>0%</td>
</tr>
</tbody>
</table>

### 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  
**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  
**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

<table>
<thead>
<tr>
<th>Release</th>
<th>Harm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>Major</td>
</tr>
<tr>
<td>Potential</td>
<td></td>
</tr>
</tbody>
</table>

**Percent**: 0.0%

### Programmatic Matrix

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

**Percent**: 10.0%

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

**Adjustment**: $900

### Violation Events

**Number of Violation Events**: 2  
**Number of violation days**: 804  
**Violation Base Penalty**: $200

**Good Faith Efforts to Comply**: 0.0%  
**Reduction**: $0

**Extraordinary**  
**Ordinary**: x  
**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

**Estimated EB Amount**: $55

**Statutory Limit Test**

**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**: 5.0  
**Years of Depreciation**: 15

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>7-Jun-2021</td>
<td>3-May-2022</td>
<td>0.90</td>
<td>$2</td>
<td>$2</td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>7-Jun-2021</td>
<td>3-May-2022</td>
<td>0.90</td>
<td>$2</td>
<td>$2</td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
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<td></td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>$45</td>
<td>7-Jun-2021</td>
<td>3-May-2022</td>
<td>0.90</td>
<td>$2</td>
<td>$2</td>
<td></td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>$100</td>
<td>7-Jun-2021</td>
<td>3-May-2022</td>
<td>0.90</td>
<td>$5</td>
<td>$5</td>
<td></td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

| **Avoided Costs**         |           |               |            |     |                |             |           |
| Disposal                  | 0.00      |               |            |     |                |             |           |
| Personnel                 | 0.00      |               |            |     |                |             |           |
| Inspection/Reporting/Sampling | 0.00     |               |            |     |                |             |           |
| Supplies/Equipment        | 0.00      |               |            |     |                |             |           |
| Financial Assurance       | 0.00      |               |            |     |                |             |           |
| 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       |

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  |
Respondent: City of Dell City (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60939

Reg. Ent. Reference No. RN101210409

PCW Revision February 11, 2021

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)

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

<table>
<thead>
<tr>
<th>OR</th>
<th>Release</th>
<th>Harm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td></td>
<td>Minor</td>
</tr>
<tr>
<td>Potential</td>
<td>x</td>
<td>Moderate</td>
</tr>
</tbody>
</table>

Percent: 15.0%

Programmatic Matrix

<table>
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<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
</tr>
</thead>
</table>

Percent: 0.0%

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

Violation Events

Number of Violation Events: 2

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

Reduction: $0

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

Violation Subtotal: $200

Economic Benefit (EB) for this violation

Estimated EB Amount: $674

Statutory Limit Test

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** 5.0  
**Years of Depreciation** 15

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>$100</td>
<td>7-Jun-2021</td>
<td>3-May-2022</td>
<td>0.90</td>
<td>$5</td>
<td>$5</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Avoided Costs</th>
<th>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal Personality</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>ONE-TIME avoided costs</td>
<td>$300</td>
<td>30-Jun-2019</td>
<td>22-Jun-2021</td>
<td>1.98</td>
<td>$30</td>
<td>$30</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>$300</td>
<td>31-Dec-2018</td>
<td>22-Jun-2021</td>
<td>2.48</td>
<td>$39</td>
<td>$339</td>
</tr>
</tbody>
</table>

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.

Each avoided cost includes the estimated amount to collect and analyze 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 |
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

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.

Environmental, Property and Human Health Matrix

<table>
<thead>
<tr>
<th>OR</th>
<th>Release</th>
<th>Harm</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>Major</td>
<td>Moderate</td>
<td>Minor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Programmatic Matrix

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10.0%</td>
</tr>
</tbody>
</table>

Matrix Notes: 100% of the rule requirements were not met.
Adjustment: $900

Violation Events

Number of Violation Events: 1
Number of violation days:
- Daily: 0
- Weekly: 0
- Monthly: 0
- Quarterly: 0
- Semiannual: 0
- Annual: 0
- Single event: x

Violation Base Penalty: $100

Good Faith Efforts to Comply

<table>
<thead>
<tr>
<th>Extraordinary</th>
<th>NOE/NOV to EDPRP/Settlement Offer</th>
<th>Ordinary</th>
<th>N/A</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reduction: $0

Violation Subtotal: $100

Economic Benefit (EB) for this violation

| Estimated EB Amount | $10 |

Statutory Limit Test

| 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.:** RN10210499  
**Media:** Public Water Supply  
**Violation No.:** 3

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>$55</td>
<td>30-Sep-2018</td>
<td>3-May-2022</td>
<td>3.59</td>
<td>$10</td>
<td>$10</td>
<td>$10</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th><strong>Avoided Costs</strong></th>
<th>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Personnel</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Financial Assurance</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>ONE-TIME avoided costs</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td></td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Notes for AVOIDED costs:**

**Approx. Cost of Compliance:** $55  
**TOTAL:** $10
Respondent: City of Dell City (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 60939

Reg. Ent. Reference No. RN101210409

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.

Violations/Release

<table>
<thead>
<tr>
<th>OR</th>
<th>Actual</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Violations/Falsification

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td>10.0%</td>
</tr>
</tbody>
</table>

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

Adjustment: $900

Violation Events

Number of Violation Events: 1

Number of violation days:
- daily: x
- weekly: x
- monthly: x
- quarterly: x
- semiannual: x
- annual: x
- single event: x

Violation Base Penalty: $100

One single event is recommended.

Good Faith Efforts to Comply

<table>
<thead>
<tr>
<th>Good Faith Efforts to Comply</th>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extraordinary</td>
<td>N/A</td>
</tr>
<tr>
<td>Ordinary</td>
<td>x</td>
</tr>
<tr>
<td>Notes</td>
<td>The Respondent does not meet the good faith criteria for this violation.</td>
</tr>
</tbody>
</table>

Violation Subtotal: $100

Economic Benefit (EB) for this violation

| Estimated EB Amount | $161 |

Statutory Limit Test

| Violation Final Penalty Total | $160 |

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

Base Penalty: $1,000
<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td><strong>Notes for DELAYED costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th><strong>Avoided Costs</strong></th>
<th></th>
<th></th>
<th>$146</th>
<th>1-Jul-2019</th>
<th>22-Jun-2021</th>
<th>1.98</th>
<th>$15</th>
<th>$146</th>
<th>$161</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ONE-TIME avoided costs</td>
<td>$146</td>
<td></td>
<td>1.98</td>
<td>$15</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Notes for AVOIDED costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

### 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
- **Government/Non-Profit:** Yes
- **Enf. Coordinator:** Ecko Beggs
- **EC's Team:** Enforcement Team 2

### Penalty Calculation Section

#### Total Base Penalty (Sum of violation base penalties)
- **Subtotal 1:** $6,250

#### Adjustments (+/-) to Subtotal 1
- **Subtotals 2-7** are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<table>
<thead>
<tr>
<th>Compliance History</th>
<th>60.0%</th>
<th>Adjustment</th>
<th>Subtotals 2, 3, &amp; 7</th>
<th>$3,750</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes</td>
<td></td>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Culpability</td>
<td>0.0%</td>
<td>Enhancement</td>
<td>Subtotal 4</td>
<td>$0</td>
</tr>
<tr>
<td>Notes</td>
<td></td>
<td></td>
<td>The Respondent does not meet the culpability criteria.</td>
<td></td>
</tr>
<tr>
<td>Good Faith Effort to Comply Total Adjustments</td>
<td></td>
<td>Subtotal 5</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Economic Benefit</td>
<td>0.0%</td>
<td>Enhancement*</td>
<td>Subtotal 6</td>
<td>$0</td>
</tr>
<tr>
<td>Total EB Amounts</td>
<td>$843</td>
<td></td>
<td>*Capped at the Total EB $ Amount</td>
<td></td>
</tr>
<tr>
<td>Estimated Cost of Compliance</td>
<td>$1,003</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Sum of Subtotals 1-7
- **Final Subtotal:** $10,000

#### Other Factors as Justice May Require
- **0.0%** | **Adjustment** | $0 |

#### Statutory Limit Adjustment
- **Final Assessed Penalty:** $10,000

#### Deferral
- **0.0%** | **Reduction** | **Adjustment** | $0 |

#### Payable Penalty
- **$10,000**
### Compliance History Worksheet

#### Component Number of...

<table>
<thead>
<tr>
<th>Component</th>
<th>Number</th>
<th>Adjust.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOVs</td>
<td>3</td>
<td>15%</td>
</tr>
<tr>
<td>Other written NOVs</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Orders</td>
<td>1</td>
<td>20%</td>
</tr>
<tr>
<td>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</td>
<td>1</td>
<td>25%</td>
</tr>
<tr>
<td>Judgments and Consent Decrees</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>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</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Convictions</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Emissions</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Audits</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Other</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td>Environmental management systems in place for one year or more</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td>Voluntary on-site compliance assessments conducted by the executive director under a special assistance program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td>Participation in a voluntary pollution reduction program</td>
<td>No</td>
<td>0%</td>
</tr>
<tr>
<td>Early compliance with, or offer of a product that meets future state or federal government environmental requirements</td>
<td>No</td>
<td>0%</td>
</tr>
</tbody>
</table>

#### Repeat Violator (Subtotal 3)

N/A

#### Compliance History Person Classification (Subtotal 7)

Unclassified

#### Compliance History Summary

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%
Respondent: City of Dell City (PCW No. 2)

Case ID No.: 60939

Reg. Ent. Reference No.: RN101210409

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 third quarter of 2019 through the fourth quarter of 2020.

Environmental, Property and Human Health Matrix

<table>
<thead>
<tr>
<th>Harm</th>
<th>Actual</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td></td>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
</tbody>
</table>

Programmatic Matrix

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>OR</td>
<td></td>
<td></td>
<td>x</td>
<td>10.0%</td>
</tr>
</tbody>
</table>

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

Adjustment: $4,500

Violation Events

Number of Violation Events: 6

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

<table>
<thead>
<tr>
<th>Extraordinary</th>
<th>Ordinary</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOE/NOV to EDPRP/Settlement Offer</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

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

Violation Subtotal: $3,000

Economic Benefit (EB) for this violation

Estimated EB Amount: $139

Statutory Limit Test

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

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoided Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Personnel</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
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<tr>
<td>ONE-TIME avoided costs</td>
<td>$136</td>
<td>10-Jan-2021</td>
<td>22-Jun-2021</td>
<td>0.45</td>
<td>$3</td>
<td>$136</td>
<td>$139</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

**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  
**TOTAL:** $139
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** $5,000

**Environmental, Property and Human Health Matrix**

<table>
<thead>
<tr>
<th>Release</th>
<th>Harm</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Potential</td>
<td>Moderate</td>
<td>15.0%</td>
</tr>
<tr>
<td></td>
<td>Minor</td>
<td></td>
</tr>
</tbody>
</table>

**Programmatic Matrix**

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
</tbody>
</table>

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

**Adjustment** $4,250

**Violation Events**

- Number of Violation Events: 3
- Number of violation days: 549

**Violation Base Penalty** $2,250

Three single events are recommended.

**Good Faith Efforts to Comply**

<table>
<thead>
<tr>
<th>Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0%</td>
</tr>
</tbody>
</table>

**Economic Benefit (EB) for this violation**

- Estimated EB Amount: $685

**Violation Final Penalty Total** $3,600

This violation Final Assessed Penalty (adjusted for limits) $3,600
## 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

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th><strong>Avoided Costs</strong></th>
<th><strong>ANNUALIZE avoided costs before entering item (except for one-time avoided costs)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal</td>
<td>0.00 $0 $0 $0</td>
</tr>
<tr>
<td>Personnel</td>
<td>0.00 $0 $0 $0</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00 $0 $0 $0</td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>0.00 $0 $0 $0</td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00 $0 $0 $0</td>
</tr>
</tbody>
</table>

**ONE-TIME avoided costs:**  
-  607 31-Dec-2020 22-Jun-2021 0.47 $14 $607 $621  
-  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  
**TOTAL:** $685
Respondent: City of Dell City (PCW No. 2)  
Policy Revision 5 (January 28, 2021)  
Reg. Ent. Reference No. RN101210409

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.

Environmental, Property and Human Health Matrix

<table>
<thead>
<tr>
<th>Release</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td></td>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td>Potential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Programmatic Matrix

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Major</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td></td>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td>Potential</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Adjustment: $4,500  
Base Penalty: $5,000  
Violation Subtotal: $500

Violation Events

Number of Violation Events: 1  
Number of violation days: 448

Violation Base Penalty: $500

Good Faith Efforts to Comply

0.0%  
Reduction: $0

Extraordinary:  
Ordinary: x

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

Violation Subtotal: $500

Economic Benefit (EB) for this violation

Estimated EB Amount: $6  
Statutory Limit Test

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

<table>
<thead>
<tr>
<th>Media</th>
<th>Public Water Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent Interest</td>
<td>5.0</td>
</tr>
<tr>
<td>Years of Depreciation</td>
<td>15</td>
</tr>
</tbody>
</table>

### Item Description

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Land</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Record Keeping System</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Permit Costs</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>$54</td>
<td>31-Mar-2020</td>
<td>3-May-2022</td>
<td>2.09</td>
<td>$6</td>
<td>n/a</td>
</tr>
</tbody>
</table>

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)**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Personnel</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Supplies/Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>ONE-TIME avoided costs</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

Notes for AVOIDED costs

**Approx. Cost of Compliance**: $54  
**TOTAL**: $6
Respondent: City of Dell City (PCW No. 2)

Policy Revision 5 (January 28, 2021)

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.

Environmental, Property and Human Health Matrix

<table>
<thead>
<tr>
<th>Release</th>
<th>Harm</th>
<th>Potential</th>
<th>Actual</th>
<th>Moderate</th>
<th>Minor</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td></td>
<td>Potential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Programmatic Matrix

<table>
<thead>
<tr>
<th>Falsification</th>
<th>Minor</th>
<th>Moderate</th>
<th>Major</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>x</td>
<td>10.0%</td>
</tr>
</tbody>
</table>

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

Adjustment: $4,500

Violation Events

Number of Violation Events: 1
Number of violation days: 356

Violation Base Penalty: $500

Good Faith Efforts to Comply: 0.0%
Reduction: $0

Extraordinary
Ordinary
N/A

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

Violation Subtotal: $500

Economic Benefit (EB) for this violation

Estimated EB Amount: $13
Statutory Limit Test
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

#### Depreciation

<table>
<thead>
<tr>
<th>Percent Interest</th>
<th>Years of Depreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.0</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Delayed Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
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<td>$0</td>
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<tr>
<td>Buildings</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Engineering/Construction</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Land</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Record Keeping System</td>
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<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Training/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>n/a</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remediation/Disposal</td>
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<td>$0</td>
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<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Permit Costs</td>
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<td>n/a</td>
<td></td>
<td>$0</td>
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<td>$0</td>
</tr>
<tr>
<td><strong>Other (as needed)</strong></td>
<td><strong>$146</strong></td>
<td><strong>1-Jul-2020</strong></td>
<td><strong>3-May-2022</strong></td>
<td><strong>1.84</strong></td>
<td><strong>$13</strong></td>
<td><strong>n/a</strong></td>
<td><strong>$13</strong></td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Item Cost</th>
<th>Date Required</th>
<th>Final Date</th>
<th>Yrs</th>
<th>Interest Saved</th>
<th>Costs Saved</th>
<th>EB Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Avoided Costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Disposal</td>
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<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
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<td>$0</td>
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<tr>
<td>Personnel</td>
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<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Inspection/Reporting/Sampling</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Supplies/Equipment</td>
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<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Financial Assurance</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td><strong>ONE-TIME avoided costs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (as needed)</td>
<td>0.00</td>
<td>$0</td>
<td>$0</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Notes for AVOIDED costs**: ANNUALIZE avoided costs before entering item (except for one-time 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
ADMORDER 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: DLQR 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: DLQR 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 290.117(c)(2)(C)
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 290.122(c)(2)(A)
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)

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.

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)

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 290.46(f)(2)

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 chemical analyses were not available for review.

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

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)

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.

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.

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.

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.

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.

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(l)(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(l)(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(l)(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
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.
Date: 10/11/2019 (1736201)
Classification: Moderate
Self Report? NO
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.
Date: 10/18/2019 (1592534)
Classification: Moderate
Self Report? NO
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
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
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
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
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
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  
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)(l)  
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 290.46(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 290.44(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 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 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)  
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 F 290.121(a)  
30 TAC Chapter 290, SubChapter F 290.121(b)  
Description:  
Classification:  
Self Report? NO For Informational Purposes Only
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 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 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 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.

15 Date: 07/02/2020 (1736201) Classification: Moderate
Self Report? NO 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 2nd 6M2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2019 within the required timeline.

16 Date: 07/21/2020 (1736201) Classification: Moderate
Self Report? NO 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.

17 Date: 08/21/2020 (1736201) Classification: Moderate
Self Report? NO 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.

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

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
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.
City of Dell City  
Docket No. 2021-0824-PWS-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date 8/31/2022

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]  
Date 3/28/22

[Name]  
[Title]  
[Full Name]  
[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.